

UNITED  
NATIONS

IT-06-90-PT  
D 2143 - D 2141  
01 June 2007

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International Tribunal for the Prosecution of  
Persons Responsible for Serious Violations of  
International Humanitarian Law Committed in  
the Territory of Former Yugoslavia since 1991

Case No. IT-06-90-PT

Date: 1 June 2007

Original: English

**IN TRIAL CHAMBER I**

**Before:** Judge Bakone Justice Moloto, Pre-Trial Judge  
Judge Alphons Orie  
Judge Christine Van den Wyngaert

**Registrar:** Mr. Hans Holthuis

**Order of:** 1 June 2007

**PROSECUTOR**

**v.**

**ANTE GOTOVINA  
IVAN ČERMAK  
MLADEN MARKAČ**

***PUBLIC***

**ORDER TO THE PROSECUTOR UNDER RULE 77**

**The Office of the Prosecutor:**

Mr. Alan Tieger  
Mr. Marks Moore

**Counsel for the Accused:**

Mr. Luka S. Mišetić, Mr. Gregory Kehoe and Mr. Payam Akhavan for Ante Gotovina  
Mr. Čedo Prodanović and Ms. Jadranka Sloković for Ivan Čermak  
Mr. Miroslav Šeparović ( in transfer) and Mr. Goran Mikuličić for Mladen Markač

**TRIAL CHAMBER I** (“Trial Chamber”) of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (“Tribunal”);

**RECALLING** the “Decision on Defendant Ante Gotovina’s Emergency Motion to Lift Confidentiality of Prosecution’s Clarification of Indictment Filed 17 May 2007” of 31 May 2007;

**NOTING** that the Trial Chamber has been informed that the contents of the Clarification of Indictment were broadcast in the evening “Dnevnik” television programme by Croatia’s HRTV on 28 May 2007, before the confidentiality of the Clarification of Indictment was lifted (“Confidential Information”);

**NOTING** that HRTV and other members of the media continued to disseminate the Confidential Information;<sup>1</sup>

**CONSIDERING** that the source of the disclosure of the Confidential Information remains unknown;

**CONSIDERING** the duty of all persons to respect the Tribunal’s authority to uphold the administration of justice;

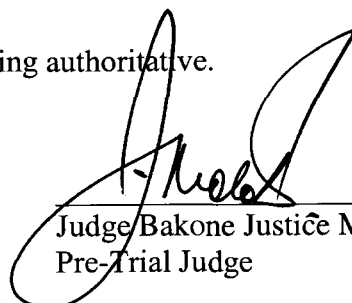
**CONSIDERING** that those responsible for such a serious breach of disclosure of Confidential Information, in knowing violation of such confidential status, may be held in contempt of the Tribunal, pursuant to Rule 77 of the Rules of Procedure and Evidence (“Rules”);

**NOTING** that Rule 77(C) of the Rules provides, *inter alia*, that “[w]hen a Chamber has reason to believe that a person may be in contempt of the Tribunal, it may direct the Prosecutor to investigate the matter with a view to the preparation and submission of an indictment of contempt”;

**PURSUANT TO** Rules 54 and 77 of the Rules;

**HEREBY DIRECTS** the Prosecution to investigate the matter, pursuant to Rule 77(C)(i) of the Rules and proceed in accordance with the relevant provisions.

Done in English and French, the English text being authoritative.



Judge Bakone Justiče Moloto  
Pre-Trial Judge

Dated this first day of June 2007  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**

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<sup>1</sup> Jutarnji List, p.3 and p.22, Wednesday 30 May, 2007; Vecernji List, p. 2, Wednesday 30 May, 2007; HINA News Agency Brief Bulletin, 29 May 2007 and HRTV Dnevnik, Tuesday 29 May 2007, evening news.