



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

Case No: IT-08-91-T
Date: 10 February 2011
Original: English

IN TRIAL CHAMBER II

Before: Judge Burton Hall, Presiding
Judge Guy Delvoie
Judge Frederik Harhoff

Registrar: Mr. John Hocking

Order of: 10 February 2011

PROSECUTOR

v.

MIĆO STANIŠIĆ AND STOJAN ŽUPLJANIN

PUBLIC

**INVITATION TO THE GOVERNMENT OF THE
REPUBLIC OF CROATIA**

The Office of the Prosecutor

Ms. Joanna Korner
Mr. Thomas Hannis

Counsel for the Accused

Mr. Slobodan Zečević and Mr. Slobodan Cvijetić for Mićo Stanišić
Mr. Dragan Krgović and Mr. Igor Pantelić for Stojan Župljanin

The Government of the Republic of Croatia

via the Embassy of the Republic of Croatia
to The Kingdom of the Netherlands, The Hague

TRIAL CHAMBER II (“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”);

BEING SEISED of “Motion for binding order: Government of the Republic of Croatia”, filed on 7 February 2011 (“Motion”), whereby the Defence of Mićo Stanišić (“Defence”) requests the Trial Chamber to issue a binding order pursuant to Article 29 of the Statute of the Tribunal and Rule 54 *bis* of the Rules of Procedure and Evidence of the Tribunal (“Rules”) requiring the Republic of Croatia (“Croatia”) to produce the “Official Information on Croatian Defenders in the Integrated Register of Croatian Homeland War Defenders” (“Documents”);¹

RECALLING that at the hearing on 26 April 2010 when the Defence sought to present to a witness information from a database of names of the “Croatian Homeland War Defenders”, published on the website www.registarbraniteljja.com, the Prosecution challenged the authenticity and veracity of the information;²

RECALLING that the Trial Chamber permitted the Defence to use the information from the website in its questioning of the witness;³

RECALLING that the Defence indicated that it would approach Croatia to ask if “they can verify the authenticity of that specific site” or to provide the database;⁴

NOTING the Defence submission that it contacted Croatia on 3 May 2010 asking 1) whether the information published on the website “is authentic and credible”, and 2) to be provided “with an electronic version of the database [...] particularly if the database in the possession of the Government contains more detailed information on defenders, such as name of their parents, their date of birth”;⁵

NOTING the Defence submission that Croatia responded on 29 July 2010, stating that the information published on the website “is not authentic or credible” and that the Documents are “not for publication or use beyond the purposes prescribed by the Constitution of [Croatia] and a number

¹ Motion, para. 1.

² Hearing, 26 Apr 2010, T. 9202-9206, 9233-9234.

³ *Id.*, T. 9232-9235.

⁴ *Id.*, T. 9234.

⁵ Motion, para. 7.

of current legislative regulations of [Croatia], and cannot be submitted to unauthorised individuals and without the consent of the person to whom it refers”;⁶

NOTING the Defence submission that the Documents are relevant to issues in this case as “some of the alleged civilian victims listed in the schedules to the indictment also appear to be on the register of names of Croatian defenders”;⁷

CONSIDERING that the Documents appear *prima facie* to be authentic, relevant and probative to issues in this case;

CONSIDERING the stage of the proceedings, in particular that the Trial Chamber has ordered the Defence to commence its case by presenting opening statements on 11 April 2011;⁸

CONSIDERING that a response to the Motion from Croatia would be of assistance to the Trial Chamber in its determination of this matter;

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

ORDER the Registrar urgently to provide to Croatia the Motion and this Invitation;

INVITES Croatia within 15 days from the date of service of this Order, either to file a response to the Motion or to provide the Defence with the information requested; and

REMAINS seised of the Motion.

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



Judge Burton Hall
Presiding

Dated this tenth day of February 2011

At The Hague

The Netherlands

[Seal of the Tribunal]

⁶ Motion, para. 8, Annex B.

⁷ *Id.*, para. 6.

⁸ Amended scheduling order for the beginning of the Defence case, 3 Feb 2011, p. 3.