



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-05-88/2-T  
Case No.: IT-05-88/2-R77.2  
Date: 21 November 2011

Original: English

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**IN TRIAL CHAMBER II**

**Before:** Judge Christoph Flügge, Presiding  
Judge Antoine Kesia-Mbe Mindua  
Judge Prisca Matimba Nyambe

**Registrar:** Mr. John Hocking

**Order of:** 21 November 2011

**PROSECUTOR**

v.

**ZDRAVKO TOLIMIR**

**PUBLIC**

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**ORDER REGARDING THE DISCLOSURE OF “DECISION ON  
PROSECUTION REQUEST FOR AN ORDER FOR SAFE CONDUCT FOR  
WITNESS DRAGOMIR PEĆANAC”**

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**Office of the Prosecutor**  
Mr. Peter McCloskey

**Counsel for Dragomir Pećanac**  
Mr. Jens Dieckmann

**The Accused**  
Zdravko Tolimir

**THIS 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”);

**NOTING** the “Decision on Prosecution Request for an Order for Safe Conduct for Witness Dragomir Pećanac” issued confidentially on 9 September 2011 (“Decision Regarding Safe Conduct”);

**NOTING** the “Order *in Lieu* of Indictment” filed confidentially on 4 October 2011 and in public redacted form on 19 October 2011 in the *Contempt Case of Dragomir Pećanac* (“Order *in Lieu* of Indictment” and “*Pećanac* Case” respectively);<sup>1</sup>

**NOTING** that the Order *in Lieu* of Indictment refers to the Decision Regarding Safe Conduct,<sup>2</sup> which has not yet been disclosed to the Defence in the *Pećanac* Case;

**NOTING** that the Chamber in the *Pećanac* Case has the same composition as the Chamber in *Prosecutor v. Zdravko Tolimir*;

**CONSIDERING** that it is in the interests of justice for the Decision Regarding Safe Conduct to be disclosed to the Defence in the *Pećanac* Case;

**PURSUANT TO** Articles 20(1) and 21 of the Statute of the Tribunal and Rule 54 of the Rules of Procedure and Evidence,

**HEREBY ORDERS** the Registry to disclose the Decision Regarding Safe Conduct on a confidential basis to the Defence in the *Pećanac* Case.

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<sup>1</sup> *Contempt Case of Dragomir Pećanac*, Case No. IT-05-88/R77.2, Order Issuing a Public Redacted Version of the “Order *in Lieu* of Indictment”, 19 October 2011.

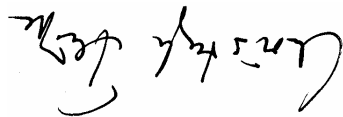
<sup>2</sup> Order *in Lieu* of Indictment, p. 3, n. 7.

Dated this twenty-first day of November 2011  
At The Hague  
The Netherlands

[Seal of the Tribunal]

Presiding Judge

Judge Christoph Függe



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