

**UNITED  
NATIONS**



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  
Date: 2 April 2012  
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:** 2 April 2012

**PROSECUTOR**

v.

**ZDRAVKO TOLIMIR**

**PUBLIC**

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**ORDER ON RETURN OF DOCUMENTS TO DRAGOMIR PEĆANAC**

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

**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** that certain documents belonging to Dragomir Pećanac and used during his testimony on 12 to 17 January 2012 were, by order of the Chamber, placed in the custody of the Registry<sup>1</sup> and later marked for identification;<sup>2</sup>

**NOTING** that the Chamber informed the parties of its intention to return the original documents to Mr. Pećanac, inviting the parties to make submissions in this regard if they wished by 23 March 2012;<sup>3</sup>

**NOTING** that in the “Prosecution’s Submissions Concerning the Return of Dragomir Pećanac’s Notebook”, filed on 23 March 2012 (“Motion”), the Prosecution does not oppose the return to Mr. Pećanac of his original documents, but requests a high quality scanned copy of the documents before their return;<sup>4</sup>

**NOTING** that the Defence did not make a submission on the matter;

**CONSIDERING** that the Chamber finds the Prosecution’s request for a better copy of the documents to be reasonable, and that there is no reason to keep the original documents and they should therefore be returned to Mr. Pećanac;

**PURSUANT TO** Rule 54 of the Rules of Procedure and Evidence of the Tribunal,

1. The Chamber invites the Prosecution to contact the Registry, which is the custodian of the record, to obtain a high quality copy of exhibits C00001 and C00002, ensuring that the documents are preserved in their original form; and

**HEREBY ORDERS** as follows:

2. The Registry shall return the originals of exhibits C00001 and C00002 to Mr. Pećanac.
3. The exhibit numbers C00001 and C00002 shall be vacated.

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<sup>1</sup> T. 18081–18083 (12 January 2012).

<sup>2</sup> T. 18259 (23 January 2012); Ex. C00001 (confidential); Ex. C00002 (confidential).

<sup>3</sup> Email correspondence from the Chamber to the parties, 14 March 2012.

<sup>4</sup> Motion, para. 1.

4. Once Mr. Pećanac has received the original documents, the Registry shall file an internal memorandum detailing the actions taken with regard to the copying and return of these documents and indicating that the exhibit numbers have been vacated.

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



Judge Christoph Flügge  
Presiding Judge

Dated this second day of April 2012  
At The Hague  
The Netherlands

[Seal of the Tribunal]