

IT-95-14 & 14/2-R77
D1072 - D1070
15 JUNE 2006

1072 AT

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

Case No. IT-95-14 & 14/2-R77

**THE PROSECUTOR
OF THE TRIBUNAL**

AGAINST

JOSIP JOVIĆ

FIRST AMENDED INDICTMENT

The Prosecutor of the International Criminal Tribunal for the former Yugoslavia (“the Tribunal”), pursuant to her authority under Article 18 of the Statute of the Tribunal and Rule 77 of the Rules of Procedure and Evidence of the Tribunal, charges:

JOSIP JOVIĆ

with **CONTEMPT OF THE TRIBUNAL**

THE ACCUSED

Josip JOVIĆ (hereinafter “**JOVIĆ**”). **JOVIĆ** was Editor-in-Chief of *Slobodna Dalmacija* (daily newspaper in Split, Croatia) at all times relevant to this indictment.

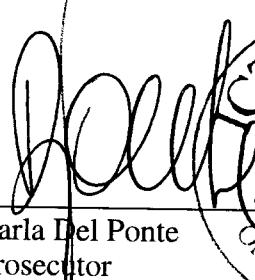
CHARGES

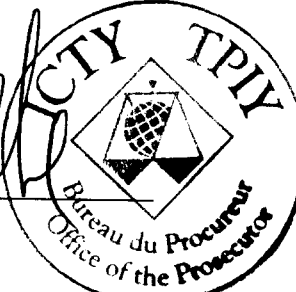
COUNT 1 CONTEMPT OF THE TRIBUNAL

- 1) On 19 April 1997, the Office of the Prosecutor ("OTP") took the statement of a sensitive witness ("the WITNESS") for the case, *The Prosecutor v. Tihomir BLAŠKIĆ*, IT-95-14-A ("the *BLAŠKIĆ* case").
- 2) On 6 June 1997, the Trial Chamber ordered protective measures for the WITNESS. The OTP had requested the measures after the statement was leaked to and published by Croatian newspapers. The Trial Chamber ordered that, as of the date of the order, "the accused, his counsels and their representatives not disclose to the public or to the media the name of the witnesses residing in the territory of the former Yugoslavia or any information which would permit them to be identified, unless absolutely necessary for the preparation of the defence".
- 3) From 16 to 19 March 1998, the WITNESS testified at the Tribunal. It was in closed session, as ordered by the Trial Chamber after having heard the parties on the issue on 16 March 1998.
- 4) From 27 to 30 November 2000, *Slobodna Dalmacija* published excerpts of the WITNESS' statement of 19 April 1997. On the 27 and the 28 November 2000, the newspaper expressly stated that the WITNESS testified from 16 to 19 March 1998.
- 5) On 01 December 2000, the OTP filed a "Notice of Breach of Security in Respect of Private Session Hearings" seeking an order against *Slobodna Dalmacija* and *Globus* (a Croatian weekly) to cease and desist publishing confidential statements.
- 6) The same day, 01 December 2000, the Trial Chamber granted the OTP's motion and ordered "the Immediate Cessation of Violations of Protective Measures for Witnesses." It ordered that the publication of statements and testimonies of any protected witnesses should cease immediately and stated that publication could expose its publishers to contempt charges. The Chamber also asked the Registrar to serve the decision on *Globus* and *Slobodna Dalmacija* by facsimile.
- 7) Between 01 December 2000 and 03 December 2000, the Order was served on *Globus* and *Slobodna Dalmacija*. *Slobodna Dalmacija* printed the order in its Sunday, 3 December 2000 issue (article headline: "Haaski sud Slobodnoj zabranio daljnje objavljivanje Mesiceva svjedocjenja"). In an accompanying editorial ("Agresija na pravnu drzavu!"), it stated that the order was arrogant and constituted meddling in the sovereignty of Croatia and aggression against the legal state.
- 8) On 03 December 2000, *Slobodna Dalmacija* published an article ("Tuzitelj: Za svjedoka optuzbe trazim zatvorenu sjednicu jer mu prijete") containing excerpts of closed session transcripts of the WITNESS' testimony in the *BLAŠKIĆ* trial, in violation of the 01 December 2000 order.

- 9) On 04 December 2000, *Slobodna Dalmacija* published an editorial (“Slobodnoj Dalmaciji stize haaska tuzba”) in which **JOVIĆ** says that the order is shocking and would decide whether to continue to publish the transcripts after studying all the legal aspects of the ban.
- 10) On 06 December 2000, *Slobodna Dalmacija* published (“Branitelj Hayman: Mesice lagati medijima kako nema veze s procesom Blaskiću”) closed session transcripts from the *BLAŠKIĆ* trial, March 16, 1998. In another article (“Sest razloga zasto Slobodna objavljuje Mesicevo svjedocenje”), **JOVIĆ** stated that the newspaper would continue publishing the closed session transcripts despite the 01 December 2000 order. **JOVIĆ** listed six reasons why he published the transcripts.
- 11) On 07 December 2000, *Slobodna Dalmacija* published (“Tudman mi je naredio da smijenim Stjepana Kljuica!”) closed session transcripts from the *BLAŠKIĆ* trial, 17 March 1998.
- 12) From 08 December to 24 December and from 27 December to 29 December 2000, *Slobodna Dalmacija* continued to publish articles on a daily basis, containing excerpts of closed session transcripts of the WITNESS’ testimony in the *BLAŠKIĆ* trial, despite the Court Order issued on 01 December 2000.
- 13) As Editor-in-chief of *Slobodna Dalmacija* from 27 November 2000 to 29 December 2000, **JOVIĆ** knowingly and wilfully interfered with the administration of justice by publishing the identity of a protected ICTY witness, by publishing the fact that the witness testified in closed session at the Tribunal, and by publishing excerpts of that testimony, in whole or in part, and by directly violating the 01 December 2000 court order.
- 14) By these acts and omissions, **JOVIĆ** committed:

Count 1: Contempt of the Tribunal, punishable under the Tribunal’s inherent power, Rule 77(A), and Rule 77(A)(ii) of the Rules of Procedure and Evidence of the Tribunal.


 Carla Del Ponte
 Prosecutor



Dated this 14 June 2006
 The Hague
 The Netherlands