

IT-95-14-R77.2
D 276 - D 274
23 August 2005

276

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

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

**THE PROSECUTOR
OF THE TRIBUNAL**

AGAINST

**IVICA MARIJAČIĆ
MARKICA REBIĆ**

SECOND 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:

**IVICA MARIJAČIĆ
MARKICA REBIĆ**

with **CONTEMPT OF THE TRIBUNAL**.

THE ACCUSED

- 1) Ivica MARIJAČIĆ. At all times relevant to the offences alleged in this indictment, Ivica MARIJAČIĆ was a journalist and editor-in-chief of the Zagreb-based weekly publication *Hrvatski List*.
- 2) Markica REBIĆ. Markica REBIĆ is the former head of the Security Information Service (“SIS”) for the Republic of Croatia.

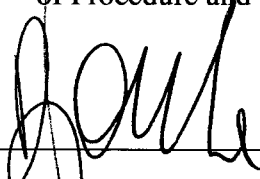
CHARGES

COUNT 1 CONTEMPT OF THE TRIBUNAL

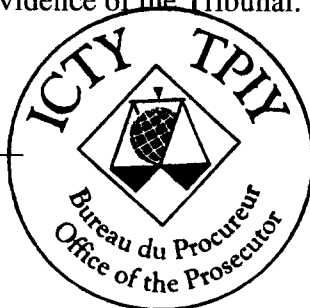
- 3) A protected witness gave a statement to the OTP investigators on the first and second of August 1997. On 12 December 1997, the Trial Chamber in the *Prosecutor v. Tihomir BLAŠKIĆ* (the BLAŠKIĆ case), sitting in closed session, ordered the Prosecution to disclose to the Defence a redacted copy of the statement of the protected witness, after it had heard arguments from the Prosecution as to the sensitivity relating to the protected witness' statement.
- 4) On 16 December 1997, the protected witness testified in the BLAŠKIĆ case in closed session.
- 5) On 18 November 2004, the newspaper *Hrvatski List* published an article, the title of which was "World Exclusive – The First in the World to Publish THE SECRET DOCUMENT which Shows Carla Del Ponte's Plot against Croatia." The author of the article is identified as Ivica MARIJAČIĆ and the article includes an interview with Markica REBIĆ.
- 6) At the time of this publication there were three existing applicable court orders:
 - a. The decision of Trial Chamber I on the requests of the Prosecutor of 12 and 14 May 1997 in respect of the protection of witnesses, dated 6 June 1997;
 - b. The oral orders issued by the Court during the protected witness' one day testimony before the ICTY on December 16th 1997; and
 - c. The order of the Trial Chamber's Order for the Immediate Cessation of Protective Measures for Witnesses dated 1 December 2000.
- 7) The article reveals that Markica REBIĆ provided Ivica MARIJAČIĆ with the identity of the protected witness who testified before the Tribunal in the BLAŠKIĆ case and with copies of the statement that the witness made to the Office of the Prosecutor and with the transcript of testimony the witness gave before the Trial Chamber in the same proceeding.
- 8) The article reveals that both Ivica MARIJAČIĆ and Markica REBIĆ were aware that disclosure and publication of the identity of the protected witness and of his protected testimony were prohibited and in violation of orders of the Trial Chamber.
- 9) In the same issue of *Hrvatski List*, an interview with Markica REBIĆ was published in which Markica REBIĆ stated that he had provided statements of the protected witness to the editorial office of *Hrvatski List* and that he was aware that: a) those documents were protected; and b) of the "possible consequences of making them public."

- 10) Ivica MARIJAČIĆ knowingly and wilfully interfered with the administration of justice in three respects by publishing:
- the identity of the protected witness;
 - the statement of the witness; and
 - the fact that the witness had testified in non-public proceedings before the Tribunal.
- 11) Markica REBIĆ knowingly and wilfully interfered with the administration of justice in three respects by disclosing:
- the identity of the protected witness;
 - the statement and transcript of the witness; and
 - the fact that the witness had testified in non-public proceedings before the Tribunal.
- 12) By these acts and omissions, Ivica MARIJAČIĆ and Markica REBIĆ committed or otherwise aided and abetted in the commission of:

COUNT 1: Contempt of the Tribunal, punishable under this Tribunal's inherent power, Rule 77(A), Rule 77(A)(ii) and Rule 77 (A) (iv) of the Rules of Procedure and Evidence of the Tribunal.



Carla Del Ponte
Prosecutor



Dated this 29 August 2005
The Hague
The Netherlands