



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

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

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

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);¹

NOTING that the Order *in Lieu* of Indictment refers to the Decision Regarding Safe Conduct,² 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;

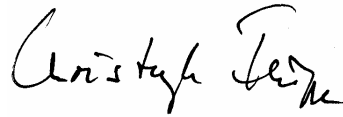
PURSUANT TO Articles 20(1) and 21 of the Statute of the Tribunal and Rule 54 of the Rules of Procedure and Evidence,

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

¹ *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.

² Order *in Lieu* of Indictment, p. 3, n. 7.

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



Judge Christoph Flügge
Presiding Judge

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

[Seal of the Tribunal]