

## **Mr. Nobile Found to be in Contempt of the Tribunal.**

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### **MR. NOBILO FOUND TO BE IN CONTEMPT OF THE TRIBUNAL**

**A member of the Defence Counsel for General Blaskic disclosed in a public session the identity of a protected witness heard in the Aleksovski trial**

On Friday 11 December, the Trial Chamber sitting on the Aleksovski case (Judge Rodrigues, presiding, Judge Vohrah and Judge Nieto Navia), imposed on Mr. Anto Nobile a fine of 10,000 guilders for contempt of the Tribunal.

#### **THE FACTS**

Mr. Nobile is one of the lawyers for General Blaskic. Last September he disclosed in that trial the identity and occupation of a protected witness, who had testified for the Prosecution in the Aleksovski trial. On 25 September, the Prosecution had lodged a complaint with the Trial Chamber alleging that its witness protection order had been violated. In his written response, Mr. Nobile did not contest the facts of the allegation, but argued that he had been unaware of the protective order. On 20 November, the Chamber heard the arguments of the parties in closed session.

#### **THE DECISION OF THE TRIAL CHAMBER**

With regard to the testimony by a witness before the Chamber, Sub-rules 77(A)(iii) and (v) provide that, "*any person who (...) discloses information relating to those proceedings in knowing violation of an order of the Chamber (...) commits a contempt of the Tribunal.*" Having established the facts of the case, the legal question was whether Mr. Nobile was in "knowing" violation. The Chamber considered that decisions regarding the protection of witnesses are of primary importance, not only for the protection of the lives of the witnesses, but also for the functioning of the Tribunal. Therefore, all those involved in the work of the Tribunal, including the lawyers, must take all necessary measures to guarantee the absolute respect of protective measures for witnesses. The Chamber held that "in knowing violation" not only entails a deliberate violation, but also a deliberate abstention from checking the circumstances under which a witness has given evidence.

#### **THE FINE**

The Trial Chamber considered, on the one hand, that the violation was serious and unnecessary, and that it had been committed by an experienced professional. On the other hand, the Chamber held that it was Mr. Nobile's first violation and that he has committed himself not to do it again. Consequently, Mr. Nobile was fined to 10,000 guilders: 4,000 guilders to be paid within seven days, and 6,000 guilders only to be paid if, within a period of a year, Mr. Nobile is found to be in contempt of the Tribunal again.