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Yugoslavia

Tribunal Pénal  
International pour  
l'ex-Yougoslavie

**Press Release . Communiqué de presse**  
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**REGISTRY**

**GREFFE**

The Hague, 16 April 2003  
CC/PIS/ 746-e

**FORMER CO-COUNSEL FOR RADOSLAV BRDJANIN**  
**TO BE PROSECUTED FOR ALLEGATIONS OF CONTEMPT**

On Tuesday 15 April 2003, Trial Chamber II Section A issued an Order “*to proceed against Milka Maglov for contempt*”.

Milka Maglov was, between September 2001 and April 2002, co-counsel for the defence of Radoslav Brdjanin. On 9 April 2002, her assignment was suspended following allegations by a witness for the Prosecution that she had intimidated the Witness.

Pursuant to Rule 77(C)(ii), where, in the view of the Trial Chamber, there is a conflict in interests for the Prosecutor to investigate the matter, the Trial Chamber directed the Registrar to appoint an *amicus curiae* to investigate the Witness’ allegation.

The findings of the *amicus curiae*, Dejan Ukropina, attorney-at-law from Novi Sad, were discussed by the Parties during a hearing on 10 July 2002. These findings included not only the alleged intimidation of the Witness, but also the allegation that Milka Maglov revealed the identity of the Witness and his role in the trial to a member of the public in violation of an Order for Protective Measures issued by the Chamber in July 2000.

These allegations are mentioned as basis for contempt proceedings under Rule 77(A)(iv) – threat or intimidation to a witness who is giving, has given, or is about to give evidence in proceedings before a Chamber, and in Rule 77(A)(ii) – disclosure of information in knowing violation of an order of a Chamber.

Required to determine whether there is a *prima facie* case of contempt to answer (and not to make a final finding on whether or not there has been contempt of the Tribunal), Trial Chamber II Section A considered that the facts before it constitute “*sufficient grounds to proceed against Milka Maglov for contempt*”.

It accordingly referred the matter to the President to designate a Trial Chamber to proceed according to Rule 77(D)(ii), which provides that “*...the Chamber may issue an order in lieu of an indictment (...) to prosecute the matter itself*”.

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