



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-R77.2
Date: 4 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: 4 November 2011

IN THE CONTEMPT CASE OF DRAGOMIR PEĆANAC

PUBLIC

**ORDER TO THE REGISTRAR TO MAKE A SUBMISSION PURSUANT
TO RULE 33(B) OF THE RULES OF PROCEDURE AND EVIDENCE**

Counsel for the Accused
Mr. Jens Dieckmann

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 “Order *in Lieu* of Indictment” filed confidentially on 4 October 2011 and in public redacted form on 19 October 2011;¹

NOTING that in the Order *in Lieu* of Indictment the Chamber, with Judge Nyambe dissenting, ordered the prosecution of Dragomir Pećanac (“Accused”) for contempt of the Tribunal punishable under Rule 77 of the Rules of Procedure and Evidence (“Rules”) and decided to prosecute the matter itself;²

NOTING that the Order *in Lieu* of Indictment refers, *inter alia*, to an Internal Memorandum from the Victims and Witness Section (“VWS Memorandum”) at confidential Appendix B of the “Prosecution’s Application for an Order *in Lieu* of Indictment, a Warrant for Arrest and Order for Surrender of Dragomir Pećanac”, filed confidentially in *Prosecutor v. Zdravko Tolimir* on 15 September 2011;³

NOTING that paragraphs 4 to 7 of the VWS Memorandum gives information on contacts with the Accused and attempts to contact the Accused, including telephone communications with him;

NOTING that at the Further Initial Appearance of the Accused held on 19 October 2011, the Accused entered a plea of not guilty;⁴

NOTING that the Chamber is now considering whether to summon *proprio motu* witnesses, and which witnesses to summon, pursuant to Rule 98;

CONSIDERING that in order to prepare for the trial as expeditiously as possible pursuant to Article 20(1) of the Statute, the Chamber requires the names of the staff of the Registry who made the contacts with the Accused and attempts to contact the Accused referred to in paragraphs 4 to 7 of the VWS Memorandum, because it may wish to summon them pursuant to Rule 98;

PURSUANT to Rules 33(B) and 54,

¹ Order Issuing a Public Redacted Version of the “Order *in Lieu* of Indictment”, 19 October 2011.

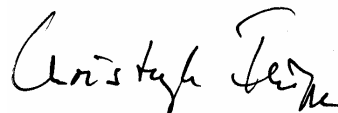
² Order *in Lieu* of Indictment, p. 3.

³ Order *in Lieu* of Indictment, p. 2, n. 6.

⁴ T. 24 (19 October 2011).

HEREBY ORDERS that the Registrar shall inform the Chamber by Thursday 10 November 2011 of the names of the staff of the Registry who made each of the contacts with the Accused and attempts to contact the Accused referred to in paragraphs 4 to 7 of the VWS Memorandum.

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



Judge Christoph Flüge

Presiding Judge

Dated this fourth day of November 2011
At The Hague
The Netherlands

[Seal of the Tribunal]