



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-95-14-T
Date : 22 April 1999
English
Original: French

IN THE TRIAL CHAMBER

Before: Judge Claude Jorda, Presiding
Judge Mohamed Shahabuddeen
Judge Almiro Simões Rodrigues

Registrar: Mr. Jean-Jacques Heintz, Deputy Registrar

Decision of: 22 April 1999

THE PROSECUTOR

v.

TIHOMIR BLAŠKIĆ

**ORDER FOR THE PRODUCTION OF DOCUMENTS USED
TO PREPARE FOR TESTIMONY**

The Office of the Prosecutor:

Mr. Mark Harmon
Mr. Andrew Cayley
Mr. Gregory Kehoe

Defence Counsel:

Mr. Anto Nobile
Mr. Russell Hayman

**The Embassy of the Federation
of Bosnia and Herzegovina**

TRIAL CHAMBER I 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,

PURSUANT to Article 21 of the Statute of the Tribunal and Rules 54, 70(A), 85, 89 and 90 of the Rules of Procedure and Evidence (hereinafter "the Rules"),

HAVING SEEN and **HEARD** the testimony of the accused which began on 17 February 1999 and, in particular, the hearings of 24 and 26 February 1999 and 8, 9 and 10 March 1999,

CONSIDERING that the accused who is appearing as a witness pursuant to Sub-rule 85(C) of the Rules stated that, in order to prepare his defence in the present case, he relied on the personal notes he drafted at the time on the basis of *inter alia* a war diary prepared by his deputy and a military log of the activities at his headquarters,

CONSIDERING that, in his testimony, the accused offered such detailed and exhaustive evidence that it would be impossible for any witness to do so relying solely on his own memory; that the witness himself asserted that he is relying *inter alia* on the above mentioned sources,

CONSIDERING that the Trial Chamber deems it appropriate, in the interest of justice and so that it be better able to ascertain the truth, to have available to it the war diary and military log mentioned above; that these could not be said to constitute internal or other documents within the meaning of Sub-rule 70(A) of the Rules,

CONSIDERING that the Trial Chamber deems that ordering the production of these materials would not infringe on the rights of the accused as defined in Article 21 of the Statute,

CONSIDERING that Defence counsel have not clearly indicated whether they are in possession of those documents; that the statements made at the hearing do not demonstrate that the original of the documents or a copy thereof might be found in archives at Mostar,

FOR THE FOREGOING REASONS,

RULING *inter partes* and unanimously,

ORDERS the Defence to disclose to the Trial Chamber the documents in question, that is, the war diary and the military log of the events at issue, as soon as possible and, at the latest, by 15 May 1999,

ORDERS the Federation of Bosnia and Herzegovina, if necessary, to submit a certified copy of the said documents either to the Defence or, should the authorities of the Federation consider that necessary, directly to the Registry of the Tribunal so that they may be provided to the Trial Chamber as quickly as possible.

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

Done this twenty-second day of April 1999
At The Hague
The Netherlands

(signed)

Claude Jorda
Presiding Judge, Trial Chamber I

(Seal of the Tribunal)