



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-02-54-T
Date: 20 April 2005
Original: English

IN THE TRIAL CHAMBER

Before: Judge Patrick Robinson, Presiding
Judge O-Gon Kwon
Judge Iain Bonomy

Registrar: Mr. Hans Holthuis

Decision of: 20 April 2005

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

ORDER ON CONTEMPT CONCERNING WITNESS KOSTA BULATOVIĆ

Office of the Prosecutor:

Ms. Carla Del Ponte
Mr. Geoffrey Nice

The Accused:

Mr. Slobodan Milošević

Court Assigned Counsel:

Mr. Steven Kay, QC
Ms. Gillian Higgins

Amicus Curiae:

Prof. Timothy McCormack

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 (“the International Tribunal”),

Proprio motu

NOTING the refusal of the witness, Kosta Bulatović (“witness”) to answer questions asked by the Prosecution in cross-examination on 19 and 20 April 2005,

NOTING the relevant provisions of Rule 77 of the Rules of Procedure and Evidence of the International Tribunal, as follows:

- (A) The Tribunal in the exercise of its inherent power may hold in contempt those who knowingly and wilfully interfere with its administration of justice, including any person who
 - (i) being a witness before a Chamber, contumaciously refuses or fails to answer a question;...
- (C) When a Chamber has reason to believe that a person may be in contempt of the Tribunal, it may:
 - (iii) initiate proceedings itself....
- (D) If the Chamber considers that there are sufficient grounds to proceed against a person for contempt, the Chamber may:
 - (ii) in circumstances described in paragraph (C)(ii) or (iii), issue an order in lieu of an indictment and either direct *amicus curiae* to prosecute the matter or prosecute the matter itself.

CONSIDERING that the Trial Chamber has reason to believe that the witness may be in contempt of the Tribunal and that it is appropriate for the Trial Chamber to initiate proceedings itself under Rule 77(C)(iii) of the Rules,


CONSIDERING that the Trial Chamber considers that there are sufficient grounds to proceed against the witness for contempt and, pursuant to Rule 77(D)(ii), to issue an order in lieu of an indictment and to prosecute the matter itself,

PURSUANT TO Rule 77 of the Rules

HEREBY ORDERS AS FOLLOWS:

- (1) Kosta Bulatović, born in 1937 in the village of Dobrusa in northern Metohija, is charged that, on 19 and 20 April 2005, being a witness before Trial Chamber III of the International Tribunal, he knowingly and wilfully interfered with the administration of justice, by contumaciously refusing to answer questions asked by the Prosecution, contrary to Rule 77(A)(i) of the Rules; and
- (2) The Trial Chamber will prosecute the matter itself.

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



Judge Robinson
Presiding

Dated this twentieth day of April 2005
At The Hague
The Netherlands

[Seal of the Tribunal]