

UNITED  
NATIONS

IT-99-36/R77  
D3-D1  
08 MAY 2003

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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-99-36/R77  
Date: 8 May 2003  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Carmel Agius, Presiding  
Judge Ivana Janu  
Judge Chikako Taya

**Registrar:** Mr. Hans Holthuis

**Decision of:** 8 May 2003

**PROSECUTOR**

v.

**RADOSLAV BRĐANIN**

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**ORDER INSTIGATING PROCEEDINGS AGAINST MILKA  
MAGLOV**

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**The Office of the Prosecutor:**

Ms. Joanna Korner  
Mr. Andrew Cayley

**Counsel for the Accused:**

Mr. John Ackerman

**TRIAL CHAMBER II** (“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 statement of a witness supposed to give evidence for the Prosecution in this case (“the Witness”), filed on 19 April 2002, alleging that Milka Maglov, at the time co-counsel for Radoslav Brđanin, intimidated the Witness;

**NOTING** the “Order Concerning Allegations against Milka Maglov”, filed on 15 April 2003, in which this Trial Chamber found that there were sufficient grounds to proceed against Milka Maglov for contempt on the basis of

- 1. Rule 77(A)(ii) of the Rules of Procedure and Evidence (“Rules”), regarding the alleged intimidation of a witness, and
- 2. Rule 77(A)(iv) of the Rules, regarding the alleged disclosure of the identity of a witness to a member of the public, in violation of an order of the Chamber;

**NOTING** the “Order Determining Competent Trial Chamber in a Case of Contempt”, filed on 24 April 2003, in which the President confirmed that this Chamber is competent under Rule 77(D)(ii) of the Rules to adjudicate the contempt allegedly committed by Milka Maglov;

**CONSIDERING** that Rule 77(D)(ii) provides that, in the circumstances of this case, this Trial Chamber may 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 finds it appropriate to have the case prosecuted by an *amicus curiae*;

**PURSUANT TO** Rules 54 and 77(D)(ii) of the Rules;

**HEREBY DIRECTS** the Registrar to appoint an *amicus curiae* and **ORDERS** the *amicus curiae* to prosecute Milka Maglov for:

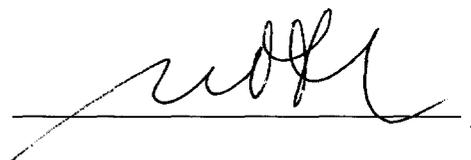
- 1. the alleged intimidation of the Witness, and
- 2. the alleged disclosure of the identity of the Witness to a member of the public, in violation of an order of the Chamber.

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

Dated this eight day of May 2003,

At The Hague

The Netherlands

A handwritten signature in black ink, consisting of a series of loops and flourishes, positioned above a horizontal line.

**Carmel Agius**

**Presiding Judge**

**[Seal of the Tribunal]**