



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-98-32/1-R77.1

Date: 17 November 2009

Original: English

BEFORE A JUDGE OF THE TRIBUNAL

Before: Judge Howard Morrison

Registrar: Mr. John Hocking

Decision of: 17 November 2009

PROSECUTOR

v.

ZUHDIJA TABAKOVIĆ

PUBLIC

DECISION ON REVIEW OF INDICTMENT

Office of the Prosecutor

Mr. Peter Kremer QC

I, **Howard Morrison**, Judge 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”),

CONSIDERING the Submission of Indictment against Zuhdija Tabaković, filed by the Prosecution on 30 October 2009, requesting the confirmation of each count of the proposed indictment and the issuance of a warrant of arrest for Zuhdija Tabaković, and the Corrigendum to Submission of Indictment against Zuhdija Tabaković, filed on 5 November 2009 (“Indictment”),

NOTING the confidential and *ex parte* Order of the President, dated 10 November 2009, assigning me to review the indictment issued by the Office of the Prosecutor (“Prosecution”) against Zuhdija Tabaković (“Accused”),

CONSIDERING that Article 19 of the Statute of the International Tribunal requires a Judge to whom an indictment has been referred to review it and “if satisfied that a *prima facie* case has been established by the Prosecutor”, to confirm the indictment,

CONSIDERING that Rule 47 of the Rules of Procedure and Evidence requires a Judge to examine each count of the indictment, together with the applicable supporting material provided by the Prosecution, to consider whether the ‘*prima facie*’ test set out under Article 19 has been met, that is that a credible case has been established which would [if not contradicted by the Defence] be a sufficient basis to convict the accused,

DETERMINE that such a *prima facie* case is made out in respect of the Accused and in respect of each count of the Indictment,

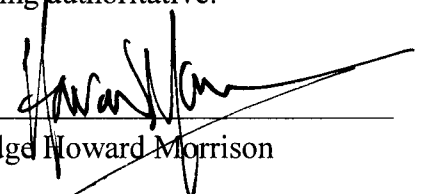
PURSUANT TO Article 19 of the Statute and Rules 47, 53(C) and 77(A) and (B) of the Rules,

HEREBY confirm the Indictment in its entirety,

ORDER that the Indictment shall remain confidential until further order, and

ORDER the service of the Indictment upon the Accused upon arrest pursuant to an Arrest Warrant to be issued in accordance with a separate Order.

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



Judge Howard Morrison

Dated this 17th day of November 2009
At The Hague
The Netherlands

[Seal of the Tribunal]