

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

Case No. IT-01-45-I

BEFORE A JUDGE OF THE TRIBUNAL

Before: Judge Kevin Parker

Registrar: Mr Hans Holthuis

Date Filed: 8 March 2004

THE PROSECUTOR

v.

Ante GOTOVINA

**ORDER LIFTING THE SEAL ON THE AMENDED INDICTMENT,
DECISION ON LEAVE TO AMEND INDICTMENT AND ON
CONFIRMATION OF AMENDED INDICTMENT AND ORDER FOR NON
DISCLOSURE, AND WARRANT OF ARREST**

The Office of the Prosecutor:

**Ms Carla Del Ponte
Mr. Graham Blewitt**

I, Kevin Parker, 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 (“International Tribunal”);

BEING SEIZED of the Prosecutor’s Motion to Lift the Seal on the Indictment, Decision on Leave to Amend Indictment and on Confirmation of Amended Indictment and Order for Non Disclosure (Decision and Order”), and Warrant of Arrest pursuant to Rules 53 and 54 of the Rules of Procedure and Evidence (“Rules”);

HAVING REVIEWED and **CONSIDERED** the Prosecutor’s Motion and reasons for lifting the seal of the Indictment, Decision and Order, and Warrant;

AND FINDING that because the two accused in a separate but related indictment, *Prosecutor v. Ivan ČERMAK and Mladen MARKAČ*, IT-03-73-I, in which **Ante GOTOVINA** is named as a co-perpetrator in a joint criminal enterprise, are in protective custody in Croatia and this fact is now in the public domain, it is likely that **Ante GOTOVINA** will be aware that he has been charged in an Amended Indictment with participating in a joint criminal enterprise with these two accused. I also find that the fact that Ante **GOTOVINA** is a fugitive on an existing warrant is widely known and reported. Therefore, no valid purpose is served in keeping the documents sealed, and the interests of justice are new best served by making the documents public in order to facilitate the arrest or surrender of Ante **GOTOVINA**.

IT IS HEREBY ORDERED that:

- (a) In accordance with Rules 53 and 54, the Indictment, Decision and Order, and Warrant shall now be made public;

(b) Pursuant to Rule 53, the supporting material shall remain under seal to the public until further order.

Judge of the
International Tribunal

Dated this 8th day of March 2004
At The Hague,
The Netherlands