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27 January 2006

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UNITED
NATIONS



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of
Former Yugoslavia since 1991

Case No. IT-03-68-T
Date: 27 January 2006
Original: English

IN TRIAL CHAMBER II

Before: Judge Carmel Agius, Presiding
Judge Hans Henrik Brydesholt
Judge Albin Eser

Registrar: Mr. Hans Holthuis

Order of: 27 January 2006

PROSECUTOR

v.

NASER ORIĆ

**ORDER ON DEFENCE MOTION FOR AN ORDER THAT THE
PROSECUTION IMMEDIATELY PERMIT THE DEFENCE TO
INSPECT THE "MAUZER" MATERIAL**

The Office of the Prosecutor:

Mr. Jan Wubben
Ms. Patricia Sellers Viseur
Mr. Gramsci di Fazio
Ms. JoAnne Richardson

Counsel for the Accused:

Ms. Vasvija Vidović
Mr. John Jones

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”):

BEING SEISED of the “Defence Motion for an Order that the Prosecution Immediately Permit the Defence to Inspect the “Mauzer” Material” filed by Counsel for Naser Orić (respectively “Defence” and “Accused”) on 25 January 2006 (“Motion”), in which the Defence seeks an order from the Trial Chamber to enjoin the Office of the Prosecutor (“Prosecution”) to immediately permit the Defence to inspect the material referred to in the Motion as the “Mauzer Material”¹ pursuant to Rule 66(B) of the Rules and Procedure and Evidence of the Tribunal (“Rules”);

NOTING, *inter alia*, Rule 66(B) of the Rules pursuant to which

[t]he Prosecutor shall, on request, permit the defence to inspect any books, documents, photographs and tangible objects in the Prosecutor’s custody or control, which are material to the preparation of the defence [...]

NOTING that, during the hearing of 26 January 2006, the Prosecution informed the Trial Chamber that it shall deliver the Mauzer Material in its entirety to the Defence no later than Monday 30 January 2006 and that the Defence was satisfied with the commitment of the Prosecution in this regard;

CONSIDERING therefore that the delivery of the Mauzer Material in its entirety sufficiently addresses the request of the Defence for inspection of the said material pursuant to Rule 66(B) of the Rules;

PURSUANT TO Rule 66(B) of the Rules

HEREBY GRANTS the Motion and

ORDERS the Prosecution to deliver the Mauzer Material in its entirety to the Defence no later than Monday 30 January 2006.

¹ In its Rejoinder to Prosecution Reply regarding Prosecution Declaration of 11 November 2005 stating Searches and Results of Searches, filed on 2 December 2005, the Defence defined the the Mauzer Material as the “material from Mr. Dragi Milošević, handed over at that field office [Banja Luka] on 13-14 December 1992, concerning a person called “Mauzer”, as well as two boxes containing video and audio tapes, including speeches given to the East Bosnian Corps during the conflict”.

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

Dated this twenty-seventh day of January 2006,

At The Hague,

The Netherlands

A handwritten signature in black ink, appearing to read 'C. Agius', is written over a horizontal line.

Carmel Agius

Presiding Judge

[Seal of the Tribunal]