



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-PT
Date: 18 February 2002
Original: English

IN THE TRIAL CHAMBER

Before: Judge Richard May, Presiding
Judge Patrick Robinson
Judge O-Gon Kwon

Registrar: Mr. Hans Holthuis

Order of: 18 February 2002

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

**FINAL ORDER ON PROSECUTION APPLICATION CONCERNING DISCLOSURE OF
A BOOK PURSUANT TO RULE 66 (A)(i)**

The Office of the Prosecutor

Ms. Carla Del Ponte
Mr. Geoffrey Nice

Ms. Hildegard Uertz-Retzlaff
Mr. Dermot Groome

The Accused

Slobodan Milošević

Amici Curiae

Mr. Steven Kay, QC
Mr. Branislav Tapušković
Prof. Mischa Wladimiroff

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 (“International Tribunal”),

BEING SEISED of a “Prosecution Motion for Permission to Disclose Material Discoverable Pursuant to Rule 66(A)(i) in English”, filed by the Office of the Prosecutor (“Prosecution”) on 4 February 2002 (“the Motion”), in which the Prosecution seeks to be deemed to have complied with its obligation to disclose a book¹ which formed part of the Confirmation Materials for indictment number IT-01-51-PT² by disclosing the book to the accused in English,

NOTING the “Provisional Order on Prosecution Application Concerning Disclosure of a Book Pursuant to Rule 66 (A)(i)” issued by the Pre-Trial Judge on 7 February 2002 (“Provisional Order”), in which he ordered the Prosecution to provide the Trial Chamber with a copy of the book and remained seized of the Motion,

NOTING that the Trial Chamber incorporates the issues for consideration set out in the Provisional Order,

CONSIDERING that the book is not currently available in the BCS language, that there are considerable resource implications involved in its translation into the BCS language and that the book is comprised largely of captions, lists of place names and pictures (rather than continuous text),

CONSIDERING that the accused has shown an ability to work at least to a limited extent in the English language and that, with respect this particular document, not disclosing the book to the accused in the BCS language will not impede the right and full opportunity for him to prepare his defence,

CONSIDERING that as a very limited exception to the Prosecution’s obligations under Rule 66 (A) concerning disclosure, the Trial Chamber is willing in this instance to waive this obligation,

¹ The book, from the Croatia Information Centre, is entitled “Croatia and Bosnia-Herzegovina – Sacral Institutions on Target; Deliberate Military Destruction of the Sacral Institutions in Croatia and Bosnia-Herzegovina” (hereafter “the book”).

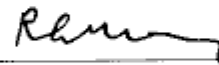
² This case number is now merged with the other *Prosecutor v. Milošević* cases to be Case No. IT-02-54-PT.
Case No. IT-02-54-PT

CONSIDERING HOWEVER that the Trial Chamber will consider any application made by the accused in the future to have the book provided to him in the BCS language

PURSUANT TO RULES 54 and 66 (A)(i) of the Rules of Procedure and Evidence of the International Tribunal

HEREBY GRANTS the Motion.

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



Richard May
Presiding Judge

Dated this eighteenth day of February 2002
At The Hague
The Netherlands

[Seal of the Tribunal]