



August 27, 2006

Secretary-General Kofi A. Annan
US Ambassador John Bolton
Russian Ambassador Vitaly Churkin
Chinese Ambassador Wang Guangya
French Ambassador Jean-Marc de La Sabliere
UK Ambassador Sir Emyr Jones Parry, KCMG
United Nations Security Council Permanent Members
New York, NY 10017

Dear Secretary-General Annan and UN Security Council Members:

We write to inform you of an urgent human rights crisis situation currently underway with Croatian journalist and former ICTY indictee, Domagoj Margetic.

Below is a timeline of events (2006):

May 15: Domagoj is mailed a CD copy from UN Prosecutor, David Akerson, three versions of a witness list from the *Prosecutor v. Blaskic* trial;

May 26: Domagoj sends a 100 page response to the ICTY appealing his April 2005 indictment;

June 15: UN Chief Prosecutor, Carla Del Ponte, withdraws Domagoj Margetic's indictment stating "In the interests of justice and judicial economy", the Tribunal's Chief Prosecutor has filed a motion for the withdrawal of the indictments against three Croatian journalists who made public the testimony and identity of the protected witness Stipe Mesic.

June 20: Presiding Judge Robinson grants the Prosecutor's motion for withdrawal of three indictments against journalists Margetic, Krizic and Seselj;

July 11: Indicted Croatian journalist, Josip Jovic, is on trial at the ICTY and the Prosecution introduces Exhibit 18 list of witnesses as "Public";

July 14: Domagoj writes and publishes article on his website, www.domagojmargetic.com naming several witnesses which testified during the Blaskic trial;

July 23: Domagoj publicizes Blaskic witness list on his website;

July 29: Domagoj receives an order from the Croatian judiciary to appear before court on Friday, August 4, 2006 at 9:00 AM per a confidential and sealed order issued by the ICTY;

August 2: Domagoj removes and deletes entire witness list from his website;

August 4: Domagoj appears in court and requests from the Croatian judiciary to answer his numerous complaints and pleadings of whether or not the Croatian constitution and law allows the Croatian judiciary to prosecute journalists per the orders of the ICTY (please see attached appeal of August 9, 2006);

August 4: 18:00 hours Domagoj is arrested without explanation and taken to Zagreb jail;

August 6: Domagoj appears before Judge Renata Milcevic and states he will accept the confidential and sealed ICTY order and not publish the witness list on his website or in any other manner; nevertheless, Judge Milcevic sentences Domagoj to 30 days in jail, while she informs the press Domagoj was sentenced for 60 days in jail;

August 7: AFP reported "In The Hague, the UN prosecutor's office confirmed it had 'filed a provisional arrest warrant' to Zagreb and that a request for Margetic's transfer was sent after his detention on Friday. Spokesman Anton Nikiforov however said no charges had yet been filed against Margetic, who can appeal his detention."

August 9: Domagoj sends appeal to the ICTY (please see attachment)

August 22: Judge Robinson grants prosecution's confidential motion seeking an order with respect to Exhibit 18;

August 23: During the ICTY press briefing, it is stated that in the Jovic case, Trial Chamber III yesterday granted a prosecution motion seeking to remove an exhibit, initially made public, of two lists of witnesses in the Blaskic case identifying protected witnesses whose names should have been kept confidential. (<http://www.un.org/icty/briefing/2006/PB060823.htm>).

August 25: After 21 days in jail and on a hunger strike, Domagoj is transferred to the prison hospital for medical treatment;

August 27: Domagoj remains in the prison hospital undergoing medical treatment;

We believe the Prosecutors knowingly made the witness list public during the trial of Josip Jovic on July 11, 2006. Not until August 22, 2006, was the witness list admitted into evidence as a confidential exhibit and sealed.

Therefore, the Prosecutors have kept Domagoj in jail without an arrest warrant, without charges, without answering his August 9 appeal, and while the witness lists we believe were public up until Judge Robinson's signature granting the Prosecutor's motion on August 22, 2006. What they have done to Domagoj Margetic is in itself a criminal offense of the highest magnitude.

If the Prosecutor's office was interested in keeping these witness lists confidential, not public and sealed, then this August 22, 2006 decision should have been submitted during the Blaskic trial

