



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 10 February 2012**

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from: Council Legal Service  
to: Permanent Representatives' Committee  
Subject: **Case T-63/10 (Jurašinović against the Council of the European Union)**  
- Production of Council documents before the General Court

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1. In the context of the proceedings in Case T-63/10<sup>1</sup>, the General Court has ordered on 7 July 2011 that the following Council documents be produced to it:
  - all documents to which the Applicant had been refused access by decision of the Council of 7 December 2009<sup>2</sup>, notably the entire correspondence exchanged between the Council and the International Criminal Tribunal for the Former Yugoslavia (ICTY) in the framework of Mr Ante Gotovina's trial, including any annexes, and in particular the preliminary requests by the ICTY and by Mr Gotovina's defence.
2. Under Article 19(7)(b) of the Council's Rules of Procedure, Coreper is entitled to authorise such production.

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<sup>1</sup> Cf. information note from the Legal Service is set out in doc. 7439/10.

<sup>2</sup> Doc. 15433/09

3. The Legal Service considers that it would be appropriate to produce to the General Court the requested documents.<sup>3</sup> As regards those documents covered by the General Court's request which originate from the Prosecutor of the ICTY or are part of an ICTY case file on the "Prosecutor v. Gotovina et al." case (IT-06-90-T), the ICTY indicated that it had no objection to the Council's production of those documents before the General Court. In accordance with Article 67(3), third subparagraph, of the General Court's Rules of Procedure, these documents will not be communicated to the other parties to the proceedings.
  
4. The Council's Legal Service therefore recommends that the Permanent Representatives Committee decide, in accordance with Article 19(7) of the Council's Rules of Procedure, to authorise production of the above-mentioned documents before the General Court.

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<sup>3</sup> A list of the requested documents figures in Annex II to doc. 15433/09.