



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-95-14-T

Date: 26 August 1996

English
Original: French

BEFORE A JUDGE OF THE TRIBUNAL

Before: Judge Claude Jorda
Registrar: Mrs. Dorothee de Sampayo Garrido-Nijgh
Order of: 26 August 1996

THE PROSECUTOR

v.

TIHOMIR, also known as, TIHOFIL BLAŠKIĆ

**ORDER ON THE PROSECUTOR'S
MOTION FOR THE NON-DISCLOSURE
OF SPECIFIC WITNESS STATEMENTS**

The Office of the Prosecutor:

Mr. Eric Ostberg
Mr. Gregory Kehoe

Counsel for the Accused:

Mr. Zvonimir Hodak
Mr. Russell Hayman

I, Judge Claude Jorda, of the International Criminal Tribunal for the former Yugoslavia,

PURSUANT to Rule 54 of the Rules of Procedure and Evidence (hereinafter: Rules),

CONSIDERING the Decision of Trial Chamber I of 17 June 1996 on the Prosecutor's Motion seeking protection of certain victims and witnesses;

HAVING CONSIDERED the Motion for the non-disclosure of specific witness statements pursuant to Rules 72 and 75(A) which the Prosecutor submitted to the Chamber on 24 June 1996;

CONSIDERING that, in its Decision of 17 June 1996, Trial Chamber I ordered the Prosecutor to transmit to the Defence without delay, and, at the latest by 24 June 1996, in accordance with paragraph A of Rule 66 of the Rules, the statements of the victims and witnesses which were attached to the indictment with the names and other identifying data having been redacted; stated, furthermore, that in accordance with paragraph C of Rule 69 of the Rules, the names and other identifying data should be disclosed to the Defence as soon as possible, and, at the latest, by 1 September 1996 and stated, finally, that under the terms of Rule 75 of the Rules, the Prosecutor may refer the case to the Trial Chamber before that date for the purposes of ordering appropriate protective measures for the witnesses and victims;

CONSIDERING that, in his Motion of 24 June 1996, the Prosecutor informed the Chamber that he had transmitted to the Defence 76 statements out of 86 that could be disclosed at that time;

CONSIDERING that, on the basis of the provisions of the Decision of 17 June 1996, the Prosecutor has sought an Order from the Chamber pursuant to Rules 72 and 75(A) for the remaining 10 statements which would relieve him of his obligation to transmit either some or all of the said statements to the Defence at this stage; considering furthermore his submission that any oral presentation requested by the Trial Chamber be heard *ex parte* and *in camera*;

CONSIDERING that the Defence has not to date submitted its response to the above mentioned Motion of the Prosecutor;

CONSIDERING that it is appropriate that the Defence informs the Chamber about its position, so that the latter can make a decision on the Prosecutor's Motion;

CONSIDERING that, as noted by the Chamber during the status conference of 17 June 1996, the time-limit for the submission of preliminary motions as stipulated in Rule 73 (B) of the Rules cannot be observed since the Defence has not been notified of all the statements;

CONSIDERING that, on the other hand, the position of the Defence must be known as soon as possible so that the Chamber can be satisfied that the proceedings are properly conducted;

FOR THE FOREGOING REASONS

INVITE the Defence to submit its response to the Prosecutor's Motion of 24 June 1996 without delay, and, at the latest, by 16 September 1996.

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

Judge Claude Jorda,
of the International Criminal Tribunal
for the former Yugoslavia

Dated this twenty-sixth day of August 1996
At The Hague
The Netherlands

[Seal of the Tribunal]