



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-95-14/1-T

Date: 9 February 1999

English

Original: French

IN THE TRIAL CHAMBER

Before: Judge Almiro Simões Rodrigues, Presiding
Judge Lal Chand Vohrah
Judge Rafael Nieto-Navia

Registrar: Mr. Jean-Jacques Heintz, Deputy Registrar

Decision of: 9 February 1999

THE PROSECUTOR

v.

ZLATKO ALEKSOVSKI

**DECISION ON THE PROSECUTOR'S REQUEST THAT
THE *BLAŠKIĆ* TRIAL CHAMBER PERMIT AN AMENDMENT
OF CERTAIN PROTECTIVE MEASURES**

The Office of the Prosecutor:

**Mr. Grant Niemann
Mr. Anura Meddegoda**

Defence Counsel:

**Mr. Goran Mikuličić
Mr. Srdan Joda**

THE TRIAL CHAMBER (hereinafter “the *Aleksovski 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 (hereinafter “the Tribunal”),

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

NOTING the confidential Motion filed by the Prosecutor on 19 October 1998 seeking leave of the Trial Chamber to admit evidence (hereinafter “the Motion”), in this case, the transcripts of the testimony given in closed session in the *Blaškić* case on 16 March 1998 at 15.45 hours (pages 7077 to 7232 of the provisional transcript) by a protected witness (hereinafter “the Witness”),

NOTING the Response of the Defence to the Motion of the Prosecutor for leave to admit evidence dated 28 October 1998,

NOTING the Decision of 3 November 1998 rejecting the Motion of the Prosecutor,

NOTING the Application of the Prosecutor dated 6 November 1998 for leave to appeal that Decision,

NOTING the Decision of three Judges of the Appeals Chamber granting such leave dated 18 December 1998,

NOTING the Order of the Appeals Chamber dated 4 February 1999,

CONSIDERING that the Appeals Chamber ordered the *Aleksovski Chamber* to instruct the Prosecutor to seek from the Trial Chamber hearing the *Blaškić* case (hereinafter “the *Blaškić Chamber*) a waiver or amendment of the protective measures ordered by that Trial Chamber to permit the possible use of the testimony of the Witness in the *Aleksovski* case,

CONSIDERING that, under those conditions, the *Aleksovski Chamber* wishes to receive under seal the testimony in question and reserves for itself the possibility to disclose these

documents under to seal to Defence counsel for the accused Aleksovski under the conditions set by the *Blaškić* Chamber,

FOR THE FOREGOING REASONS,

STATES that the Prosecutor must seize the *Blaškić* Chamber before 12 February 1999 in order to obtain a change in the protective measures ordered by that Chamber for the witness who appeared in closed session on 16 March 1998 at 15.45 hours in the *Blaškić* case for the purposes indicated above.

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

Done this ninth day of February 1999
At The Hague
The Netherlands

(signed)

Almiro Simões Rodrigues
Presiding Judge of the Chamber

(Seal of the Tribunal)