

UNITED NATIONS

IT-95-14/1-T
25 FEBRUARY, 1999
D4-1/3088bis

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DW



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-95-14/1-T

Date: 19 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

Order of: 19 February 1999

THE PROSECUTOR

v.

ZLATKO ALEKSOVSKI

**ORDER REGARDING THE ADMISSIBILITY
OF CERTAIN DOCUMENTS AS EVIDENCE**

The Office of the Prosecutor:

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

Defence Counsel:

**Mr. Goran Mikuličić
Mr. Srdan Joka**

TRIAL CHAMBER I (hereinafter “the Trial Chamber”) of the International Criminal 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 Articles 20, 21, and 22 of the Statute and Rules 54, 69, and 75 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”);

NOTING the Decision of the Trial Chamber dated 3 November 1998 to dismiss the Motion of the Prosecutor (hereinafter “the Decision”);

NOTING the Application of the Prosecutor for leave to appeal the Decision of 6 November 1998 which was granted by a bench of three Judges of the Appeals Chamber on 18 December 1998;

NOTING the Order of the Appeals Chamber dated 4 February 1999 granting the appeal of the Decision of 3 November 1998;

NOTING the Decision of 9 February 1999 on the Prosecutor’s request that the *Blaškić* Trial Chamber permit an amendment of certain protective measures;

NOTING the Order for the disclosure of evidence rendered on 19 February 1999 by the Trial Chamber seized of the *Blaškić* case (hereinafter “the *Blaškić* Trial Chamber”);

CONSIDERING that the Appeals Chamber ruled that the testimony given in closed session by a protected witness (hereinafter “the Witness”) in the *Blaškić* case must be admitted as evidence in the *Aleksovski* case, provided that the *Blaškić* Trial Chamber agreed to amend the protective measures ordered for the Witness and that the *Aleksovski* Trial Chamber considered that the testimony had probative value pursuant to Sub-rule 89(C) of the Rules of Procedure and Evidence;

CONSIDERING that the *Blaškić* Trial Chamber agreed to amend the protective measures which it ordered for the Witness in order to permit the disclosure of the rebuttal evidence in the *Aleksovski* trial.

CONSIDERING that the *Blaškić* Trial Chamber authorised the *Aleksovski* Trial Chamber to disclose the transcripts of the testimony of the Witness to the Defence of Zlatko Aleksovski, if it deemed this necessary, subject to the protective measures ordered by the *Blaškić* Trial Chamber, to which may be added any additional measures which the *Aleksovski* Trial Chamber might consider appropriate to order;

CONSIDERING that the *Aleksovski* Trial Chamber wishes to obtain the written arguments of the Parties before ruling on the relevance of the testimony pursuant to Sub-rule 89(C); that the *Aleksovski* Trial Chamber therefore deems it necessary to disclose the transcripts of the testimony of the Witness to the Defence;

FOR THE FOREGOING REASONS

The Trial Chamber

REQUESTS that the Registry disclose to the Defence of Zlatko Aleksovski the transcripts of the testimony given in closed session by the protected Witness in the *Blaškić* case on 16 March 1998 at 15.45 hours (pages 5252 to 5435 of the provisional French version)¹;

ORDERS the Defence of the accused Aleksovski not to disclose the identity of the Witness or any other information in the transcripts of the testimony to anyone;

REQUESTS that the Parties file their written arguments concerning the relevance of the testimony of the Witness no later than 1 March 1999.

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

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

(Signed)

Almiro Simões Rodrigues
Presiding Judge Trial Chamber I

(Seal of the Tribunal)

¹ Pages 7077 to 7321 of the provisional English version