



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-T

Date: 12 March 1999

English
Original: French

IN THE TRIAL CHAMBER

Before: Judge Claude Jorda, Presiding
Judge Fouad Riad
Judge Mohamed Shahabuddeen

Registrar: Mr. Jean-Jacques Heintz, Deputy Registrar

Decision of: 12 March 1999

THE PROSECUTOR

v.

TIHOMIR BLAŠKIĆ

SECOND ADDITIONAL ORDER FOR A WITNESS TO APPEAR

The Office of the Prosecutor:

Mr. Mark Harmon
Mr. Andrew Cayley
Mr. Gregory Kehoe

Defence Counsel:

Mr. Anto Nobile
Mr. Russell Hayman

**Counsel for the Republic
of Croatia:**

Mr. David B. Rivkin Jr.
Mr. Lee A. Casey

TRIAL CHAMBER I 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,

NOTING the Request of the Republic of Croatia (hereinafter "Croatia") to change the date of the hearing scheduled for 26 November 1998 filed on 20 November 1998 (hereinafter "the Request"),

NOTING the Order for a witness to appear issued by the Trial Chamber on 5 November 1998,

NOTING the further Order for a witness to appear issued by the Trial Chamber on 25 November 1998,

NOTING the confidential report of the legal officer of the Trial Chamber dated 16 December 1998,

NOTING the letter dated 5 March 1999 from counsel for Croatia to the legal officer of the Trial Chamber confirming that Croatia has chosen Major Stepan Udiljak, advisor at the headquarters of the Armed Forces of the Republic of Croatia, to present the concerns of his authorities particularly in respect of national security; and **HAVING HEARD** the report of the legal officer of the Trial Chamber on Major Udiljak's wish, as relayed by counsel for Croatia, to be assisted by Mr. Marin Ivanović, and on the availability of those individuals to travel to The Hague by 18 March 1999 to be heard by the Trial Chamber on 19 March 1999,

PURSUANT to Article 29 of the Statute of the Tribunal and Rule 54 of the Rules of Procedure and Evidence,

CONSIDERING that the Trial Chamber still deems it necessary to hear the arguments of Croatia presented by its representative in respect of its national security concerns about the issue of the production of documents as soon as possible,

FOR THE FOREGOING REASONS,

ORDERS that an *ex parte* hearing be held on 19 March 1999 at 9.30 hours to allow Major Stepan Udiljak (hereinafter “the witness”) to appear before the Trial Chamber in the presence of the Prosecutor,

STATES that a qualified representative of the Republic of Croatia may be present at the hearing and, under the supervision of the Trial Chamber, may make a statement, and **STATES** that the witness may be assisted in the courtroom by Mr. Marin Ivanović,

STATES that, at the request of the Prosecutor, the representative of Croatia or the witness, the hearing will held in closed session, and **STATES** that, after the Prosecutor has had the opportunity to have her arguments presented and debated, the witness or the representative of Croatia may request that the Trial Chamber continue the hearing without the presence of the Prosecutor,

REQUESTS that the Registry transmit a copy of the present order to the Embassy of the Republic of Croatia in The Netherlands, as well as to any authority which might permit or facilitate, if necessary, the arrival of Major Udiljak and his assistant in The Hague.

Done this twelfth day of March 1999

At The Hague

The Netherlands

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

(signed)

Claude Jorda
Presiding Judge Trial Chamber I

(Seal of the Tribunal)