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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: 22 June 1999

English  
Original: French

**IN THE TRIAL CHAMBER**

**Before:** Judge Claude Jorda, Presiding  
Judge Mohamed Shahabuddeen  
Judge Almiro Simões Rodrigues

**Registrar:** Mr. Jean-Jacques Heintz, Deputy Registrar

**Decision of:** 22 June 1999

**THE PROSECUTOR**

**v.**

**TIHOMIR BLAŠKIC**

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**DECISION OF TRIAL CHAMBER I  
IN RESPECT OF PROTECTIVE MEASURES FOR  
GENERAL MILIVOJ PETKOVIĆ**

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**The Office of the Prosecutor:**

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

**Defence Counsel:**

Mr. Anto Nobile  
Mr. Russell Hayman

**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 (hereinafter “the Tribunal”),

**NOTING** the correspondence from the Deputy Minister of Justice and the Head of the Office for Co-operation with the Tribunal of the Government of the Republic of Croatia sent on 1 June 1999,

**PURSUANT** to the Decision of Trial Chamber I in respect of the appearance of General Milivoj Petković (hereinafter “the Witness”) rendered on 25 March 1999,

**PURSUANT** to the Order of Trial Chamber I of 21 May 1999 summoning General Milivoj Petković as a witness of the Trial Chamber,

**PURSUANT** to the Order of the Trial Chamber of 17 June 1999 on the testimony of General Petković,

**NOTING** the correspondence from the Embassy of the Republic of Croatia (hereinafter “Croatia”) addressed to the Presiding Judge of the Trial Chamber of 18 June 1999, in which Croatia specifies *inter alia* that the Witness has received authorisation from his Government to testify but that such testimony must be given in closed session and that, taking into account his status at the time of the facts in question, it would be proper also to obtain authorisation from the Federal Ministry of Defence of Bosnia and Herzegovina,

**NOTING** the correspondence from the Embassy of Croatia of 21 June 1999 in which Croatia proposes that the testimony be given in a place other than that provided by the Registrar,

**NOTING** the correspondence of counsel for Croatia of 21 June 1999 indicating that the Witness shall enjoy the necessary authorisation to testify and that the premises reserved have proved satisfactory but also expressing certain reservations about the conditions under which he will testify,

**PURSUANT** to Articles 20 and 22 of the Statute and Rules 54, 69, 75, 79, 89 and 90 of the Rules of Procedure and Evidence (hereinafter “the Rules”),

**CONSIDERING** that, in its Decision of 17 June 1999, the Trial Chamber has stated that the Witness might enjoy protective measures subject to a reasoned application’s having been presented; that the Trial Chamber has taken into account the correspondence stating that the Witness wishes, as does Croatia, that the conditions under which he will testify offer him the best possible guarantees for his safety,

**CONSIDERING** that the Trial Chamber has ensured that all measures have been taken by the Registry to guarantee the appropriate conduct of the video-link testimony even in closed session; that, in particular, a representative of the Registry shall be present to provide to the Witness all requisite information and to ensure that the measures prescribed by the Trial Chamber are strictly respected,

**CONSIDERING** that, taking into account the circumstances, the measures sought will not infringe the rights of the accused; that, in any case, the Rules give to the Trial Chamber the possibility to “exclude evidence if its probative value is substantially outweighed by the need to ensure a fair trial”,

**FOR THE FOREGOING REASONS,**

**CONFIRMS** that the Witness will be heard via video-link on 23 June 1999 at 10.00 hours, and will be required to be in the premises provided for this end by the Registry at Plešo (Zagreb, Croatia, airport), and that no person other than the Witness and the members of the Registry of the Tribunal will be present in the aforementioned premises during the testimony; **ORDERS**, furthermore, that throughout his testimony, including the time allowed for adjournments, the Witness not be contacted by any person other than the representatives of the Registry; and **CONFIRMS** the other relevant provisions of the Order of 17 June 1999,

**ORDERS** that the Witness may have free access to the aforementioned premises and may leave them without any hindrance, and that he shall be neither prosecuted, nor subjected to any constraint upon his personal liberty for acts falling within the jurisdiction of the Tribunal for the time that he shall spend in these premises and, in any case, between 00.00 hours on 23 June 1999 and 24.00 hours on 23 June 1999,

**ORDERS** that the testimony be given in closed session,

**ORDERS** that neither the Prosecution nor the Defence disclose to a third party, whosoever they may be, any element whatsoever of the testimony of the Witness.

**ORDERS** that the transcripts of the testimony not be disclosed in any manner.

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

Done this twenty-second day of June 1999,  
At The Hague,  
The Netherlands.

(signed)

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Claude Jorda,  
Presiding Judge, Trial Chamber I

**(Seal of the Tribunal)**