



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

DE JURE REES

Case No.: IT-95-14-T
Date: 25 May 2000
English
Original: French

IN THE TRIAL CHAMBER

Before: Judge Claude Jorda, Presiding
Judge Almiro Rodrigues
Judge Mohamed Shahabuddeen
Registrar: Mr. Jean-Jacques Heintz, Deputy Registrar
Decision of: 25 May 2000

THE PROSECUTOR

v.

TIHOMIR BLAŠKIĆ

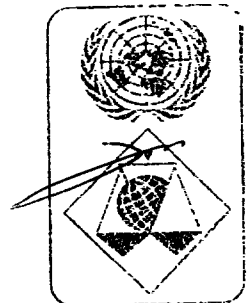
**DECISION ON THE REQUEST THAT
THE TRANSCRIPTS OF TESTIMONY
GIVEN IN THE BLAŠKIĆ CASE BE DISCLOSED
IN THE KORDIĆ-ČERKEZ CASE**

The Office of the Prosecutor:

Mr. Mark Harmon
Mr. Andrew Cayley

Defence Counsel:

Mr. Anto Nobile
Mr. Russell Hayman



THE TRIAL 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 Rules 54 and 75 of the Rules of Procedure and Evidence (hereinafter “the Rules”);

NOTING the Request of Trial Chamber III (hereinafter “Trial Chamber III”) addressed to the President of the Tribunal on 16 May 2000 that the transcripts of testimony given in the case *The Prosecutor v. Tihomir Blaškić* be disclosed to the parties in the case *The Prosecutor v. Dario Kordić and Mario Čerkez* (hereinafter “the Request”);

NOTING the Order of the President for release of the Request to the “Blaškić Chamber”;

NOTING the Decision of 22 April 1999 on the Prosecution and Defence Motions of 25 January 1999 and 25 March 1999 respectively in the case *The Prosecutor v. Tihomir Blaškić*;

NOTING the Decision of 20 October 1999 on the Request for the transcripts of the testimony given in the Blaškić case to be disclosed to the parties in the Kordić-Čerkez case (hereinafter “the Decision”);

CONSIDERING that the Request relates to testimony for which the Blaškić Chamber ordered that protective measures be taken and in particular that the testimony of the witness concerned be given in closed session and that the transcripts not be made public;

CONSIDERING that, as the Trial Chamber asserted in its Decision, “the fact that the hearing transcripts were not made public [must not] be construed as meaning that the Judges of another Trial Chamber were precluded from hearing them; that, moreover, the Office of the Prosecutor constitutes a single entity and that, consequently, if one of its teams has confidential documents, it must be considered that all the teams have access to this material and are bound by the confidentiality measures relative to the material taken by either of the Trial Chambers”;

CONSIDERING that Defence Counsel for Mr. Blaškić does not object to the transcripts of the said witness who appeared for the Defence being disclosed to the parties in the Kordić-Čerkez case provided that protective measures are taken which guarantee *mutatis mutandis* to the witness the same level of protection as he previously enjoyed;

FOR THE FOREGOING REASONS,

ORDER that the transcripts of the testimony of the said witness be disclosed to Trial Chamber III subject to its taking protective measures which guarantee *mutatis mutandis* to the witness the same level of protection as he enjoyed previously.

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

Done this twenty-fifth day of May 2000
At The Hague
The Netherlands

(signed)

Claude Jorda
Presiding Judge of the Trial Chamber

[Seal of the Tribunal]

