



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: IT-99-36-PT
Date: 23 May 2001
Original: English

IN TRIAL CHAMBER II

Before: Judge David Hunt, Pre-Trial Judge
Registrar: Mr Hans Holthuis
Decision of: 23 May 2001

PROSECUTOR

v

Radoslav BRĐANIN & Momir TALIĆ

**SECOND DECISION ON FURTHER MOTION BY PROSECUTION
FOR PROTECTIVE MEASURES**

The Office of the Prosecutor:

**Ms Joanna Korner
Mr Nicolas Koumjian
Mr Andrew Cayley
Ms Anna Richterova
Ms Ann Sutherland**

Counsel for Accused:

**Mr John Ackerman for Radoslav Brđanin
Maître Xavier de Roux and Maître Michel Pitron for Momir Talić**

1. The prosecution applied to this Trial Chamber for an order that protective measures be granted in relation to confidential exhibits tendered in the case of *Prosecutor v Kovačević*,¹ and which had already been dealt with by the President in accordance with Rule 75(D).² The President had ordered the Registrar to disclose certain material from that case to the two defendants in the present case, subject to restrictions concerning disclosure to the public.³

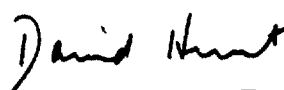
2. The application was refused by this Trial Chamber upon the basis that the President had already refused such relief, but the President was requested to resolve with Judge May and Judge Mumba (as the two remaining judges of the Trial Chamber which dealt with *Kovačević*) the further protective measures which should be granted.⁴ It was also held that this Trial Chamber had not at that time been authorised by the President to grant further protective measures of the nature sought.⁵

3. That issue has now been resolved, and the President has concluded that confidential exhibits 57, 58 and 59 from *Kovačević* must remain under seal. He has authorised this Trial Chamber to grant relief to give effect to that conclusion.⁶

4. Accordingly, **it is ordered** that, notwithstanding the President's First Order, confidential exhibits 57, 58 and 59 from *Prosecutor v Kovačević* are not to be disclosed by the Registrar to the two defendants in the present case.

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

Dated this 23rd day of May 2001,
At The Hague,
The Netherlands.



Judge David Hunt
Pre-Trial Judge

[Seal of the Tribunal]

¹ Case IT-97-24-T.

² Prosecution's Submissions in Respect of Confidential Material Relating to the *Talić* and *Kovačević* Cases, 26 Jan 2001.

³ Order on the Motions of Momir Talić and Radoslav Brđanin for Access to Confidential Information in the Cases *The Prosecutor v Tadić* and *The Prosecutor v Kovačević*, 11 September 2000 ("President's First Order"), p 4 (English translation).

⁴ Decision on Further Motion by Prosecution for Protective Measures, 2 May 2001, pars 6, 12(2).

⁵ *Ibid*, pars 8-11.

⁶ Order of the President for Confidential Documents From the Case *The Prosecutor v Kovačević* Not to be Disclosed in the Case *The Prosecutor v Brđanin and Talić*, 9 May 2001, p 3 (English translation); Corrigendum, 21 May 2001, p 2.