



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-95-14/1-T
Date: 17 October 2001
Original: English
French

IN TRIAL CHAMBER I

Before: Judge Almiro Rodrigues
Judge Lal Chand Vohrah
Judge Rafael Nieto-Navia

Registrar: Mr. Hans Holthuis

Decision of: 17 October 2001

THE PROSECUTOR

v.

Zlatko ALEKSOVSKI

**DECISION ON THE MOTION
OF THE ACCUSED TIHOMIR BLAŠKIĆ
REQUESTING ACCESS TO NON-PUBLIC
TRANSCRIPTS AND EXHIBITS FROM THE CASE
*THE PROSECUTOR v. ALEKSOVSKI***

The Office of the Prosecutor:
Mr. Upawansa Yapa

Defence Counsel:
Mr. Anto Nobile
Mr. Russell Hayman
Mr. Srdan Joka

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”) responsible for the case *The Prosecutor v. Zlatko Aleksovski* (hereinafter “the Chamber”),

PURSUANT to Articles 20(1) and 21(2) of the Statute of the Tribunal and Rules 54, 70 and 75 (in particular 75(D)) of the Rules of Procedure and Evidence of the Tribunal,

NOTING the Motion of 28 December 2000 submitted to the Appeals Chamber by the accused Tihomir Blaškić’s Defence requesting access to non-public transcripts and exhibits (hereinafter “the confidential material”) in different cases and in particular *The Prosecutor v. Zlatko Aleksovski* (hereinafter “the Motion”),

NOTING the Appeals Chamber’s Decision on the Motion dated 4 July 2001,

NOTING the Order of the President dated 4 October 2001 in which the Registry is invited to transmit the Motion to the Chamber,

CONSIDERING that the Chambers have already found that the fact that exhibits and hearing transcripts were non-public before one Chamber was not to be construed as meaning that the Judges from another Chamber were precluded from reviewing them and that, for this reason, nothing prevents the confidential material from being transferred to the Appeals Chamber,

CONSIDERING that although Mr. Zlatko Aleksovski has been definitively tried by the Tribunal his rights must still be respected,

CONSIDERING, however, that the material provided pursuant to Rule 70 of the Rules in the *Aleksovski* case must be dealt with differently because of the very specific confidentiality afforded by the implementation of the said Rule; that the Chamber holds that the material could be disclosed to third parties only with the express prior authorisation of the entity which supplied it,

FOR THE FOREGOING REASONS,

AUTHORISE the potential disclosure of confidential information from the trial proceedings in the case *The Prosecutor v. Zlatko Aleksovski* to the accused Tihomir Blaškić's Defence, subject to such measures as the Appeals Chamber shall consider appropriate in order to guarantee that the material has an equivalent degree of confidentiality,

INVITE the Registry to contact Mr. Aleksovski's Defence in order to obtain its opinion on the potential disclosure of confidential material from the trial proceedings in the case *The Prosecutor v. Zlatko Aleksovski* to third parties (hereinafter "the Opinion"),

REQUEST the Registry to transmit the Opinion to the Appeals Chamber directly and at the same time as the confidential material at issue.

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

Done this seventeenth day of October 2001
At The Hague
The Netherlands

(signed)

Judge Almiro Rodrigues
Presiding Judge of the Trial Chamber

[Seal of the Tribunal]

