

IT-95-14-A
A16024 - A16022
21 JUNE 2002

16024
AT

**UNITED
NATIONS**



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-A
Date: 21 June 2002
Original: English

IN THE APPEALS CHAMBER

Before: Judge Fausto Pocar, Pre-Appeal Judge
Registrar: Mr. Hans Holthuis
Order of: 21 June 2002

PROSECUTOR

v.

TIHOMIR BLAŠKIĆ

**ORDER ON NOTICE REGARDING REDACTIONS TO PROSECUTION'S
RESPONDENT BRIEF**

The Office of the Prosecutor:

Mr. Norman Farrell

Counsel for the Appellant:

**Mr. Anto Nobile
Mr. Russell Hayman
Mr. Andrew M. Paley**

I, Fausto Pocar, Judge 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 (“International Tribunal”),

HAVING BEEN DESIGNATED Pre-Appeal Judge in the present case by the Appeals Chamber of the International Tribunal;

BEING SEISED OF a “Notice Regarding Redactions to Prosecution’s Respondent’s Brief”, filed confidentially by the Prosecution on 14 June 2002 (“Notice”), wherein the Prosecution refers to three problems it has encountered in the course of redacting its Respondent’s Brief, namely, that:

1) the Respondent’s Brief (in both its confidential and public versions, filed on 1 May and 14 June 2002, respectively) has made references to the final trial briefs of the parties, which, however, were confidentially filed at first instance;

2) the confidential version of the Respondent’s Brief has also made references to confidential filings exchanged thus far on appeal; and

3) the Appellant has failed to properly redact from the public version of his Appellant’s Brief on Appeal, filed 7 March 2002, the identity of a witness who is still subject to protective measures as indicated by the Trial Chamber at first instance, as well as certain references to the substance of closed session testimony given by certain witnesses at trial;

NOTING the “Appellant’s Response to Prosecutor’s Notice Regarding Redactions to Prosecution’s Respondent’s Brief”, filed confidentially on 20 June 2002 (“Response”), in which the Appellant agrees that, in relation to the third problem, redactions should have been made of some items of information as identified by the Prosecution in the Notice;

CONSIDERING that the first and second problems raised by the Prosecution do not require action on the part of the Appeals Chamber, as the references in question, made in footnotes or in a confidential document, do not reveal the substance of the confidential filings;

CONSIDERING that, though unintentionally, the Appellant has failed to redact

confidential information which may result in a breach of the protection enjoyed by the witness concerned;

CONSIDERING that it is the duty of the International Tribunal to ensure the protection of witnesses, as required by Article 22 of the Statute of the International Tribunal;

PURSUANT TO Article 22 of the Statute of the International Tribunal, and Rule 65ter, Rule 75, and Rule 107 of the Rules of Procedure and Evidence of the International Tribunal (“Rules”),

HEREBY ORDER that:

1) the public version of the Appellant’s Brief on Appeal, filed 7 March 2002, be regarded as a confidential filing in all proceedings before the International Tribunal, and any person who has already received a copy of it prior to this order shall treat it as such and shall not disclose it in any form to any other person, unless leave to do so is granted by express order of the Appeals Chamber; any disregard of this order will be subjected to proceedings under Rule 77 of the Rules; and

2) the counsel for the Appellant redact the relevant parts of the public version of the Appellant’s Brief on Appeal, filed 7 March 2002, as identified by the Prosecution in its Notice and agreed by the Appellant in his Response, and, within 14 days of this order, re-file the public version of the Appellant’s Brief on Appeal after all necessary redactions are made, together with a list of the numbers of the pages where redactions are made following this order.

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



Fausto Pocar
Pre-Appeal Judge

Done this twenty-first day of June 2002
At The Hague,
The Netherlands.