



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of
Former Yugoslavia since 1991

Case No. IT-00-39-PT
Date: 17 April 2003
Original: English

THE TRIAL CHAMBER

Before: Judge Alphons Orie, Presiding
Judge Liu Daqun
Judge Amin El Mahdi

Registrar: Mr. Hans Holthuis

Decision of: 17 April 2003

PROSECUTOR

v.

MOMČILO KRAJIŠNIK

**DECISION ON THE PROSECUTION'S MOTION
FOR VACATION OF PROTECTIVE MEASURES
FOR A U.N. WITNESS**

The Office of the Prosecutor:

Mr. Mark Harmon
Mr. Alan Tieger

Counsel for the Accused:

Mr. Deyan R. Braschich
Mr. Goran Nešković

TRIAL CHAMBER I, (“this 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 (“the Tribunal”);

BEING SEIZED of the “Prosecution’s Motion for a Vacation of Protective Measures for a U.N. Witness” (“the Motion”) of 20 February 2003, filed confidentially and *ex parte*, seeking to vacate the “Decision on Prosecution’s Motion for Protective Measures for a U.N. Witness” of 10 September 2001 (“the Decision”) by Trial Chamber III;

RECALLING that the Decision, relying on Rule 75 of the Rules of Procedure and Evidence (“the Rules”), ordered that: the proposed Witness should be heard in closed session; transcripts and recordings of his evidence should be restricted to the Trial Chamber and its staff, to the Prosecution and its Staff and to the accused and their counsels, expert advisers and investigators; contents of his statement or testimony should not be disclosed; any document provided by the United Nations should not be disclosed, unless insofar as directly and specifically necessary for the preparation and presentation of the case; any document provided by the United Nations and tendered into evidence should be placed under seal; the Prosecution should disclose to the Defence the identity of the Witness and any protected document to be relied upon by the Witness not later than 21 (twenty-one) days before the date upon which the Witness is intended to be called to give evidence.

MINDFUL that on 28 November 2002 the President of the Tribunal ordered the case to be assigned to this Chamber;

TAKING INTO CONSIDERATION that the Prosecution seeks to vacate the Decision, relying on a letter of 4 February 2003 from the Assistant Secretary-General for Legal Affairs of the United Nations to the Prosecution stating that the Witness may testify in open session in the course of this case, and that documents to be relied upon by the witness may be presented as evidence in open session;

TAKING INTO CONSIDERATION moreover that no objection has been raised to this proposed course of action;

FINDING that the letter by the Assistant Secretary-General for Legal Affairs of the United Nations has provided a modification of the circumstances;

FOR ALL THE FOREGOING REASONS,

PURSUANT TO RULES 54, 73, 75, 78, 81 OF THE RULES,

DECIDES to vacate the “Decision on Prosecution’s Motion for Protective Measures for a U.N. Witness” of 10 September 2001;

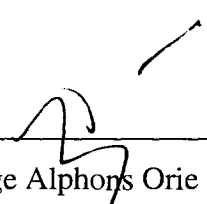
ORDERS the Prosecution to comply with its disclosure obligations under the Rules with respect to the identity of the Witness as well as to previously restricted documents relating to his testimony before the Tribunal.

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

Dated this seventeenth day of April 2003,

At The Hague,

The Netherlands



Judge Alphons Orie
Presiding Judge

(Seal of the Tribunal)