



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-02-65-PT
Date: 31 July 2003
Original: ENGLISH

IN THE TRIAL CHAMBER

Before: Judge Richard May, Presiding
Judge Patrick Robinson
Judge O-Gon Kwon

Registrar: Mr. Hans Holthuis

Decision of: 31 July 2003

PROSECUTOR
v.
ŽELJKO MEJAKIĆ
MOMČILO GRUBAN
DUŠAN FUŠTAR
DUŠKO KNEŽEVIĆ

DECISION ON PROSECUTION'S MOTION
FOR PROTECTIVE MEASURES FOR VICTIMS AND WITNESSES

The Office of the Prosecutor:

Ms. Joanna Korner
Mr. Nicholas Koumjian
Ms. Sureta Chana

Counsel for the Accused:

Mr. Jovan Simić, for Željko Mejačić
Ms. Sanja Turlakov, for Momčilo Gruban
Mr. Theodore Scudder and Mr. Dragan Ivetić, for Dušan Fuštar
Ms. Slobodanka Nedić, for Duško Knežević

THIS 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 (“International Tribunal”),

BEING SEISED of a “Prosecution’s Motion for Protective Measures for Victims and Witnesses” filed by the Office of the Prosecutor (“Prosecution”) on 14 July 2003 (“the Motion”), seeking relief in relation to disclosure of materials to the accused, Željko Mejačić,

NOTING that counsel for the accused, Željko Mejačić, has indicated in a conference convened pursuant to Rule 65 *ter* of the Rules of Procedure and Evidence of the International Tribunal (“Rules”) that no objection is made to the relief sought and that no response will be filed to the Motion,

NOTING the Orders of 13 December 2001 and 13 June 2002 granting similar relief in relation to the other accused in this case,

CONSIDERING that Article 20 of the Statute of the International Tribunal (“the Statute”) requires the Trial Chambers to ensure that proceedings are conducted with full respect for the rights of the accused and due regard for the protection of victims and witnesses,

CONSIDERING the rights of the accused under Article 21 of the Statute to a fair and public hearing,

CONSIDERING that Article 22 of the Statute requires the International Tribunal to provide in its Rules for the protection of victims and witnesses,

CONSIDERING the provisions of Rules 53 and 75 of the Rules concerning non-disclosure and the protection of witnesses,

CONSIDERING that, save as otherwise provided in this Decision, the protection sought is necessary and appropriate to protect the victims and witnesses identified in the supporting material, while still remaining consistent with the rights of the accused,

CONSIDERING that it would be in the interests of judicial economy for the same protective measures to apply, as far as practicable, in respect of each of the accused,

CONSIDERING also that disclosure of these materials has already been made to the defence for Predrag Banović, Dušan Fustar, Momčilo Gruban and Duško Knežević,

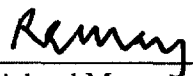
PURSUANT TO Articles 20, 21, and 22 of the Statute, and Rules 53 and 75 of the Rules,

HEREBY GRANTS the Motion and **ORDERS** as follows:

- (1) the Orders of 13 December 2001 and 13 June 2002 are hereby extended, *mutatis mutandis*, to the accused, Željko Mejakić, and his counsel and representatives;
- (2) material to be disclosed to the Defence for Željko Mejakić which has already been disclosed to the Defence for the other accused in this case shall be disclosed with the same redactions, if any, as were made when disclosure was made to the other accused; and

INSTRUCTS the Registrar of the International Tribunal to serve copies of the Orders of 13 December 2001 and 13 June 2002 on counsel for the accused, Željko Mejakić.

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


Richard May
Presiding

Dated this thirty-first day of July 2003
At The Hague
The Netherlands

[Seal of the Tribunal]