



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-02-60-T
Date: 24 February 2004
Original: English

IN TRIAL CHAMBER I, SECTION A

Before: Judge Liu Daqun, Presiding
Judge Volodymyr Vassilenko
Judge Carmen Maria Argibay

Registrar: Mr. Hans Holthuis

Decision of: 24 February 2004

PROSECUTOR

v.

**VIDOJE BLAGOJEVIĆ
DRAGAN JOKIĆ**

CONFIDENTIAL and EX PARTE

**DECISION ON THE PROSECUTION'S REQUEST FOR THE ISSUANCE OF A
SUBPOENA AD TESTIFICANDUM, AN ORDER FOR SAFE CONDUCT, AND AN
ORDER FOR THE SERVICE AND EXECUTION OF THE *SUBPOENA* AND ORDER
FOR SAFE CONDUCT**

The Office of the Prosecutor:

Mr. Peter McCloskey

Counsel for the Accused:

Mr. Michael Karnavas and Ms. Suzana Tomanović for Vidoje Blagojević
Mr. Miodrag Stojanović and Mr. Branko Lukić for Dragan Jokić

TRIAL CHAMBER I, SECTION A, (“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 (“Tribunal”),

BEING SEISED OF the “Prosecution’s Request for the Issuance of a *subpoena ad testificandum*, an Order for Safe Conduct, and an Order for the Service and Execution of the *subpoenas* and Orders for Safe Conduct”, filed on confidential and *ex parte* basis on 23 February 2004, (“Request”), in which the Prosecution requests that the Trial Chamber issue a *subpoena ad testificandum* (“*subpoena*”), an order for safe conduct for a witness to be called, and an order directed to the authorities of the Republika Srpska for the service and execution of the subpoena and order of safe conduct, and further requesting the authorities of the Republika Srpska, *inter alia*, to take all reasonable and necessary measures to ensure that the witness appears at the time and place indicated in the *subpoena*,

NOTING that the “Prosecution’s Motion to Amend the Witness List”, filed confidentially on 23 February 2004, provides compelling reasons for the testimony of this witness before the Trial Chamber,

CONSIDERING that the Trial Chamber is satisfied that the witness is an important witness since he may provide direct evidence related to the Accused,

CONSIDERING that the Trial Chamber may, when necessary, take measures to facilitate the parties’ presentation of their evidence,

CONSIDERING that pursuant to Rule 54 of the Rules of Evidence and Procedure (“Rules”), the Trial Chamber may issue such orders, summonses and subpoenas as may be necessary for the conduct of the trial,

CONSIDERING that Article 29 of the Statute of the Tribunal sets out the relationship of co-operation and judicial assistance between the Tribunal and States,

PURSUANT TO Article 29 of the Statute and Rule 54 of the Rules hereby:

1. **GRANTS** the Request;
2. **ISSUES** the witness *subpoena* and the order for safe conduct attached hereto;
3. **REQUESTS** the co-operation and judicial assistance of the Kingdom of The Netherlands and the Republika Srpska¹ pursuant to Article 29 (2) of the Statute of the Tribunal with

¹ According to Rule 2 of the Rules (“Definitions”), the term State shall mean: “(ii) an entity recognised by the constitution of Bosnia and Herzegovina, namely, the Federation of Bosnia and Herzegovina and the Republic Srpska”.

regard to the implementation of the attached witness *subpoena* and order for safe conduct by serving the documents to the witness and by taking all reasonable and necessary measures to ensure that the witness appear before the Trial Chamber in The Hague on the date specified in the *subpoena*, or, should the date of the witness' testimony be changed, at the new date specified by further instruction;

4. **THANKS** the Kingdom of The Netherlands and the Republika Srpska for their co-operation and judicial assistance in this matter;
5. **ORDERS** that no person, other than representatives of the Prosecution or the requested State for the purpose of the implementation of this order, shall disclose this Decision to any person and that no person, other than representatives of the Prosecution, the requested State or the Victim and Witness Section of the Tribunal for the purpose of the implementation of this Decision, shall contact or make any attempt to contact the witness before he has given his testimony in court;
6. **REQUESTS** that the witness *subpoena*, for its effective delivery, be translated into the native language of the witness named therein; and
7. **REQUESTS** the assistance of the Victim and Witness Unit of the Tribunal in the implementation of the Decision where appropriate.

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


Judge Liu Daqun
Presiding

Dated this twenty-fourth day of February 2004,
At The Hague
The Netherlands

[Seal of the Tribunal]