

UNITED
NATIONS

IT-95-14-A
A23831-A23829
05 OCTOBER 2004

~~IT-04-74-PT~~
~~015067-015067~~
~~05 OCTOBER 2004~~

15069
52
23831
A7



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-04-74-PT
Date: 5 October 2004
Original: English

BEFORE THE PRE-TRIAL JUDGE

Before: Judge Alphons Orié

Registrar: Mr. Hans Holthuis

Order of: 5 October 2004

PROSECUTOR

v.

**JADRANKO PRLIĆ
BRUNO STOJIĆ
SLOBODAN PRALJAK
MILIVOJ PETKOVIĆ
VALENTIN ČORIĆ
BERISLAV PUSIĆ**

ORDER TO RESCIND PROTECTIVE MEASURES

The Office of the Prosecutor:

Mr. Kenneth Scott

Counsel for the Accused:

Mr. Ćamil Salahović and Mr. Želimir Par for the accused Mr. Jadranko Prlić
Mr. Željko Olujić for the accused Mr. Bruno Stojić
Mr. Bozidar Kovačić and Ms. Nika Pinter for the accused Mr. Slobodan Praljak
Ms. Vesna Alaburić for the accused Mr. Milivoj Petković
Mr. Tomislav Jonjić for the accused Mr. Valentin Čorić
Mr. Marinko Škobić for the accused Mr. Berislav Pušić



I, ALPHONS ORIE, Judge in Trial Chamber I (the “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”);

NOTING the decision dated 5 April 2004 of the Presiding Judge of the Chamber to appoint me as the Pre-Trial Judge in this case;¹

BEING SEIZED of “[t]he Accused Milivoj Petković’s Motion to Rescind Protective Measures in Respect of his Testimony as a Witness in the Case Prosecutor v. Tihomir Blaškić (No. IT-95-14)”, filed on 20 September 2004 (the “Motion”);

NOTING that Milivoj Petković (the “Accused”) requests the Chamber to lift the protective measures imposed by the Trial Chamber seised of the *Blaškić* case (the “*Blaškić* Trial Chamber”) on the testimony given by the Accused in that case;

NOTING the “Prosecution Response to the Accused Milivoj Petković’s Motion to Rescind Protective Measures in Respect of His Testimony as a Witness in the Case Titled The Prosecutor v. Tihomir Blaškić”, filed on 1 October 2004, whereby the Prosecution indicates that it does not oppose the Motion;

NOTING that, in its “Decision of Trial Chamber I in respect of protective measures for General Milivoj Petković” dated 22 June 1999, the *Blaškić* Trial Chamber ordered that (i) the testimony of Milivoj Petković “be given in closed session”, and that (ii) “neither the Prosecution nor the Defence disclose to a third party, whosoever they may be, any element whatsoever of the testimony” of Milivoj Petković;

NOTING that Rule 75(G) of the Rules of Procedure and Evidence (the “Rules”) provides that “[a] party to the second proceedings seeking to rescind, vary or augment protective measures ordered in the first proceedings must apply (ii) if no Chamber remains seised of the first proceedings, to the Chamber seised of the second proceedings”;

CONSIDERING that the protective measures were ordered by the *Blaškić* Trial Chamber at the request of the Government of the Republic of Croatia; that the authorities of the Republic of Croatia, at the request of the Accused, informed the *Blaškić* Trial Chamber, by a letter dated 5

¹ Order Designating Pre-Trial Judge, 5 April 2004.

September 2000,² that the reasons why the Government of the Republic of Croatia requested the abovementioned protective measures had ceased to exist; that the *Blaškić* Trial Chamber did not issue a decision on this matter;


CONSIDERING that the Accused expresses interest in having his testimony opened to public access; that nothing now prevents the protective measures then ordered by the *Blaškić* Trial Chamber from being lifted;

FOR THE FOREGOING REASONS,

PURSUANT to Rule 75(G)(ii) of the Rules,

GRANT the Motion and **RESCIND** the protective measures ordered by the *Blaškić* Trial Chamber with respect to the testimony given by Milivoj Petković in the *Blaškić* case.

Done in French and English, the English version being authoritative.
Dated this Fifth Day of October 2004.
At The Hague,
The Netherlands.



Judge Alphons Orie
Pre-Trial Judge

[Seal of the Tribunal]

² Letter annexed to the Motion.

