



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-98-32/1-T

Date: 22 January 2009

Original: English

IN TRIAL CHAMBER III

Before: Judge Patrick Robinson, Presiding
Judge Christine Van den Wyngaert
Judge Pedro David

Acting Registrar: Mr. John Hocking

Order of: 22 January 2009

PROSECUTOR

v.

**MILAN LUKIĆ
SREDOJE LUKIĆ**

PUBLIC

ORDER TO DISCLOSE PORTIONS OF THE TRANSCRIPT

The Office of the Prosecutor

Mr. Dermot Groome
Mr. Frédéric Ossogo
Ms. Laurie Sartorio
Mr. Stevan Cole
Ms. Francesca Mazzocco

Counsel for the Accused

Mr. Jason Alarid and Mr. Dragan Ivetić for Milan Lukić
Mr. Đuro Čepić and Mr. Jens Dieckmann for Sredoje Lukić

TRIAL CHAMBER III (“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”);

RECALLING that the Trial Chamber in *Prosecutor v. Mitar Vasiljević* granted the protective measures of pseudonym and image distortion to the following Prosecution witnesses, who have testified in open session for the purposes of the current proceedings: VG-013, VG-018, VG-038, VG-078¹ and VG-115,² (“Prosecution Witnesses”);

NOTING that the said protective measures continue to have effect for the purposes of the present proceedings pursuant to Rule 75(F) of the Rules of Procedure and Evidence (“Rules”);

NOTING that the Trial Chamber in the current proceedings heard portions of the testimony of witnesses VG-013,³ VG-018,⁴ VG-038⁵, VG-078⁶ and VG-115⁷ in private session, owing to concerns that information identifying these witnesses, as well as other witnesses in the current proceedings in respect of whom protective measures are in force, not be publicised;

RECALLING that on 15 December 2008, the Trial Chamber heard submissions from the Defence of Milan Lukić (“Defence”) concerning, *inter alia*, the Defence’s ability to open its case and the availability of three of its witnesses (“Defence Witnesses”);

RECALLING that during the 15 December 2008 hearing, the Trial Chamber called the Chief of the Registry’s Victims and Witnesses Section (“VWS”) to address the Chamber regarding, *inter alia*, the travel arrangements of the Defence Witnesses;

RECALLING that portions of the 15 December 2008 hearing were conducted in private session due to concerns that the subject-matter addressed during the said hearing contained references to personal information of protected Defence Witnesses;⁸

NOTING that pursuant to Rule 81(B) the Trial Chamber, after giving due consideration to any matters relating to witness protection, may order the disclosure of all or part of the record of closed proceedings when the reasons for ordering its non-disclosure no longer exist;

¹ *Prosecutor v. Mitar Vasiljević*, IT-98-32-PT, Order on protective measures for witnesses at trial, 24 July 2001, p. 3.

² *Prosecutor v. Mitar Vasiljević*, IT-98-32-PT, Hearing, 10 Sept 2001, T. 202-204. (Private session)

³ Hearing, 2 Sept 2008, T. 1000-1001; Hearing 3 Sept 2008, T. 1045-1048, T. 1070-1076, T. 1126-1131.

⁴ Hearing, 5 Sept 2008, T. 1314-1320, T. 1321-1322.

⁵ Hearing, 1 Sep 2008, T. 942-948, T. 950-956.

⁶ Hearing, 8 Sept 2008, T. 1387-1388, T. 1394-1397.

⁷ Hearing, 27 Aug 2008, T. 663-665, T. 670-675, T. 679-682; Hearing 28 Aug 2008, T. 693-746, T. 754-755, T. 759-768, Hearing 29 Aug 2008, T. 778-790.

⁸ Confidential Decision on Defence submissions in request of protective measures, 24 September 2008, p. 4.

CONSIDERING that a review of the private session testimony of the Prosecution Witnesses establishes that certain parts thereof do not contain any information tending to identify these witnesses or other persons to whom protective measures have been granted;

CONSIDERING that a review of the private session sections of the transcript for the 15 December 2008 hearing establishes that certain parts thereof do not contain any information tending to identify any witnesses to whom protective measures have been granted;

PURSUANT TO Rule 81(B) of the Rules;

ORDERS that the following parts of the transcript be made public:

1. Hearing 27 Aug 2008, page 671, line 1 (starting with "Q. Witness VG-115, you can tell us") to page 672, line 20 (ending with "because Višegrad is a small town.");
2. Hearing 27 Aug 2008, page 673, line 1 (starting with "Q. We will come back on the points which relate") to page 674, line 17 (ending with "A. I'm talking about attic of the Kurspahić's house, yes.");
3. Hearing 27 Aug 2008, page 674, line 22 (starting with "Q. Could you tell us roughly") to page 674, line 25 (ending with "A. It was not far.");
4. Hearing 27 Aug 2008, page 675, line 2 (starting with "It is not far, between seven") to page 675, line 7 (ending with "to the first floor;");
5. Hearing 27 Aug 2008, page 675, line 9 (starting with "So they turned on the light,") to page 675, line 13 (ending with "have been given.");
6. Hearing 27 Aug 2008, page 680, line 17 (starting with "to the best of your memory") to page 682, line 4 (ending with "they took them away");
7. Hearing 28 Aug 2008, page 695, line 3 (starting with "MR. OGOSO: [Interpretation] Now, Mr. President") to page 698, line 24 (ending with "in the house of Meho Aljić");
8. Hearing 28 Aug 2008, page 699, line 1 (starting with "Could you describe") to page 699, line 2 (ending with "It was in the afternoon.");
9. Hearing, 28 Aug 2008, page 699, line 18 (starting with "I saw a convoy of vehicles.") to page 699, line 24 (ending with "to the house of Meho Aljić,");

10. Hearing, 28 Aug 2008, page 699, line 25 (starting with “And then I went to a small orchard”) to page 700, line 1 (ending with “small plum trees.”);
11. Hearing, 28 Aug 2008, page 700, line 13 (starting with “Now, Mr. Ossogo,”) to page 701, line 8 (ending with “before we go on.”);
12. Hearing, 28 Aug 2008, page 701, line 12 (starting with “from where did you”) to page 702, line 3 (ending with “then Radoje Simsić”);
13. Hearing, 28 Aug 2008, page 702, line 3 (starting with “an”) to page 702, line 19 (ending with “whom I recognised there.”);
14. Hearing, 28 Aug 2008, page 702, line 20 (starting with “her last name was Murtić”) to page 703, line 1 (ending with “I could make out very well”);
15. Hearing, 28 Aug 2008, page 703, line 1 (starting with “who”) to page 703, line 13 (ending with “Q. If you could please.”);
16. Hearing, 28 Aug 2008, page 703, line 15 (starting with “It was the Turjacinin family,”) to page 705, line 7 (ending with “family very well”);
17. Hearing 28 Aug 2008, page 705, line 8 (starting with “So of the Turjacinins there”) to page 706, line 15 (ending with “this dramatic event occurred.”);
18. Hearing 28 Aug 2008, page 712, line 9 (starting with “Q. Witness VG-115, I would now like to ask you the following.”) to page 713, line 21 (ending with “hair and was a pretty girl.”);
19. Hearing 28 Aug 2008, page 716, line 3 (starting with “MR. OSSOGO: [Interpretation]”) to page 729, line 2 (ending with “business tasks”);
20. Hearing 28 Aug 2008, page 729, line 3 (starting with “via the Novi Most”) to page 731, line 2 (ending with “centre to the company,”);
21. Hearing 28 Aug 2008, page 731, line 2 (starting with “so I”) to page 740, line 2 (ending with “It was Mitar Knezevic, the older man.”);
22. Hearing 28 Aug 2008, page 744, line 12 (starting with “MR. ALARID:”) to page 745, line 24 (ending with “JUDGE ROBINSON: Yes, let’s proceed”);

23. Hearing 28 Aug 2008, page 760, line 23 (starting with “Q. Where did you speak with Mitar Vasiljević?”) to page 762, line 22 (ending with “JUDGE ROBINSON: Very well, yes.”);
24. Hearing 29 Aug 2008, page 780, line 17 (starting with “Q. [Interpretation] Madam, you provided a physical description”) to page 783, line 1 (ending with “came across Milan Lukić’s group.”);
25. Hearing 29 Aug 2008, page 783, line 7 (starting with “Q. Unlike your evidence yesterday”) to page 784, line 12 (ending with “A. Yes, I can.”);
26. Hearing 29 Aug 2008, page 784, line 21 (starting with “Q. Madam, two days ago you testified about the incident”) to page 784, line 25 (ending with “‘witnesses’ I meant survivors.”);
27. Hearing, 1 Sept 2008, page 943, line 24 (starting with “Q. to go from Koritnik to Visegrad”) to page 947, line 21 (ending with “their pseudonym, please”);
28. Hearing 1 Sept 2008, page, 951, line 7 (starting with “Q. Witness VG-38, since you have provided us some information which”) to page 952, line 22 (ending with “THE WITNESS: [Interpretation] Yes.”);
29. Hearing 1 Sept 2008, page 953, line 20 (starting with “[Trial Chamber confers]”) to page 956, line 20 (ending with “Your Honour.”);
30. Hearing, 2 Sept 2008, page 1000, line 18 (starting with “Q. VG-13, I’d like to begin my questions to you”) to page 1001, line 3 (ending with “asking you questions related to-“);
31. Hearing 3 Sept 2008, page 1046, line 23 (starting with “Mr. Groome”) to page 1047, line 6 (ending with “window, Witness VG-18 and”);
32. Hearing 3 Sept 2008, page 1047, line 7 (starting with “VG-84. The two of them jumped out.”) to page 1047, line 9 (ending with “A couple of minutes later, I pushed”);
33. Hearing 3 Sept 2008, page 1047, line 9 (starting with “VG-38. At that”) to page 1047, line 12 (ending with “I was unable to walk.”);
34. Hearing 3 Sept 2008, page 1047, line 13 (starting with “I jumped out of the window. Mr. Milan Lukić was”) to page 1048, line 15 (ending with “what occurred. The-“);

35. Hearing 3 Sept 2008, page 1073, line 10 (starting with “JUDGE ROBINSON: Witness, you told us that Milan Lukić shot you”) to page 1076, line 5 (ending with “tank came in with water and washed it down”);
36. Hearing, 5 Sept 2008, page 1314, line 23 (starting with “And when—and you say you left”) to page 1320, line 8 (ending with “end, but number 84...”);
37. Hearing 8 Sept 2008, page 1389, line 3 (starting with “A. Hasib Kurspahić and Edhem Kurspahić, but they’re no alive.”) to page 1389, line 10 (ending with “A. VG-013, VG-018, VG-038, VG-084, and VG-101.”);
38. Hearing 15 Dec 2008, page 3830, line 5 (starting with “Mr. Alarid and Mr. Ivetić I am very distressed”) to page 3835, line 18 (ending with “both sit”).

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



Judge Patrick Robinson
Presiding Judge

Dated this twenty-second day of January 2009
At The Hague
The Netherlands

[Seal of the Tribunal]