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D 23358 - D 23357  
12 May 2009

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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-06-90-T  
Date: 12 May 2009  
Original: English

IN TRIAL CHAMBER I

**Before:** Judge Alphons Orie, Presiding  
Judge Uldis Ķiniš  
Judge Elizabeth Gwaunza

**Acting Registrar:** Mr John Hocking

**Order of:** 12 May 2009

PROSECUTOR

v.

ANTE GOTOVINA  
IVAN ČERMAK  
MLADEN MARKAČ

*PUBLIC*

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**ORDER TO LIFT THE CONFIDENTIAL STATUS OF THE TRIAL CHAMBER'S  
ORDER OF 3 NOVEMBER 2008**

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**Office of the Prosecutor**

Mr Alan Tieger  
Mr Stefan Waespi

**Counsel for Ante Gotovina**

Mr Luka Mišetić  
Mr Gregory Kehoe  
Mr Payam Akhavan

**Counsel for Ivan Čermak**

Mr Steven Kay, QC  
Mr Andrew Cayley  
Ms Gillian Higgins

**Counsel for Mladen Markač**

Mr Goran Mikuličić  
Mr Tomislav Kuzmanović

**TRIAL CHAMBER I** (“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”);

**NOTING** the Chamber’s Order for the safe conduct of Kosta Novaković, for the purposes of his appearance as a witness in the present case, filed confidentially on 3 November 2008 (“Order”);<sup>1</sup>

**BEING SEISED** of the Gotovina Defence’s request that the Chamber lift the confidential status of the Order, so that it may reference it in a public filing (“Request”);<sup>2</sup>

**NOTING** that the Prosecution has indicated both to the Gotovina Defence,<sup>3</sup> and the Chamber through informal communications that it does not object to the Request;

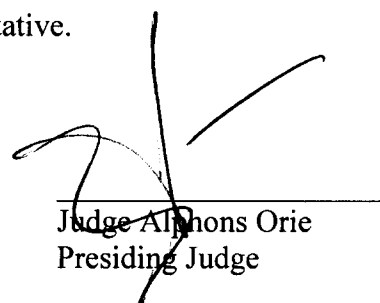
**CONSIDERING** that the Order was issued confidentially in the event that Kosta Novaković made a request for protective measures;

**NOTING** that Kosta Novaković testified publicly before the Chamber on 13-17 November 2008, and at no time made a request for protective measures;

**FINDING** no other reason to keep the Order confidential;

**ORDERS** that the Registrar of the Tribunal lift the confidential status of the Order.

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



Judge Alphons Orie  
Presiding Judge

Dated this 12th day of May 2009  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**

<sup>1</sup> Order for Safe Conduct, 3 November 2008.

<sup>2</sup> Defendant Ante Gotovina’s Request to Lift Confidential Status of Trial Chamber Order of 3 November 2008, 7 May 2009.

<sup>3</sup> Request, para. 2.