



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-03-69-T
Date: 14 October
2009
Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding
Judge Michèle Picard
Judge Elizabeth Gwaunza

Registrar: Mr John Hocking

Order of: 14 October 2009

PROSECUTOR

v.

**JOVICA STANIŠIĆ
FRANKO SIMATOVIĆ**

PUBLIC

**ORDER ON THE STATUS OF EVIDENCE ADMITTED
THROUGH 92 QUATER**

Office of the Prosecutor

Mr Dermot Groome
Ms Doris Brehmeier-Metz

Counsel for Jovica Stanišić

Mr Geert-Jan Alexander Knoops
Mr Wayne Jordash

Counsel for Franko Simatović

Mr Mihajlo Bakrač
Mr Vladimir Petrović

TRIAL CHAMBER I 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 (“Chamber”);

NOTING the “Decision on Prosecution’s Motion for Admission into Evidence of Witnesses Unavailable Pursuant to Rule 92 *quater*” issued by the Chamber on 16 September 2009 (“16 September Decision”), wherein the Chamber admitted the evidence of Stana Albert (Witness C-1051), Boško Brkić (Witness C-1072) and Tomislav Kozarčanin (Witness C-1202) (altogether “the Witnesses”) pursuant to Rule 92 *quater* of the Rules of Procedure and Evidence of the Tribunal (“Rules”) and requested that the Prosecution report within 14 days whether it would apply for protective measures in relation to these witnesses;¹

NOTING the “Prosecution Submission on Protective Measures for 92 *quater* witnesses”, filed on 5 October 2009 (“Submission”) after the Prosecution provided the report to the Chamber and all parties by email on 30 September 2009 and was instructed by the Chamber on 2 October 2009 to put the matter on the record;

NOTING that the Prosecution does not seek any protective measures in relation to the Witnesses;²

NOTING however that the Prosecution seeks leave to redact Tomislav Kozarčanin’s address from his statement as it contends that this information does not serve any public interest and could possibly result in an intrusion into the privacy of his relatives;³

CONSIDERING that the reference to Tomislav Kozarčanin’s address in his statement holds no relevance for the public and may potentially infringe on the privacy of his family;

CONSIDERING therefore that the evidence as admitted in the 16 September Decision, save for the reference to Tomislav Kozarčanin’s address in his statement, shall become public and that the Witnesses shall be referred to by their names instead of their proposed pseudonyms;

¹ 16 September Decision, para. 21.

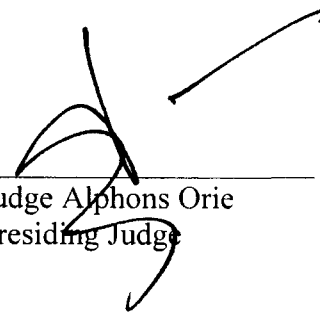
² Submission, para. 2.

³ Submission, paras 3, 5.

FOR THE FOREGOING REASONS**PURSUANT TO** Rule 54 of the Rules:**HEREBY ORDERS** that:

- i. The following evidence admitted in relation to the Witnesses in the 16 September Decision shall become public:
 1. the witness statement of Stana Albert (ERN BCS 0301-2898-0301-2902 and ET 0081-4786-0081-4791);
 2. the witness statement of Boško Brkić (ERN BCS 0305-5377-0305-5381 and ET 0217-0268-0217-0273);
 3. the death certificate of Stana Albert (ERN BCS 0608-5759 and ET 0608-5761);
 4. the death certificate of Boško Brkić (ERN BCS 0342-3497 and ET 0342-3497); and
 5. the death certificate of Tomislav Kozarčanin (ERN BCS 0468-3835 and ET 0468-3839);
- ii. In relation to Tomislav Kozarčanin, the Prosecution shall upload into eCourt a redacted version of the witness's statement (ERN BCS 0302-3358-0302-3363 and ET 0106-2752-0106-2757) which does not include his address. This redacted statement shall then become public.

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



Judge Alphons Orie
Presiding Judge

Dated this fourteenth day of October 2009
At The Hague
The Netherlands

[Seal of the Tribunal]