

UNITED  
NATIONS

IT-07-24-A  
A4975-A4973  
20 March 2012

IT-08-91-T  
D14738-D14736  
20 March 2012

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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-08-91-T  
IT-97-24-A  
Date: 19 March 2012  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Burton Hall, Presiding  
Judge Guy Delvoie  
Judge Frederik Harhoff

**Registrar:** Mr. John Hocking

**Decision of:** 19 March 2012

**PROSECUTOR**

*v.*

**MIĆO STANIŠIĆ AND STOJAN ŽUPLJANIN**

***PUBLIC***

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**DECISION GRANTING PROSECUTION'S MOTION TO  
RESCIND PROTECTIVE MEASURES FOR  
WITNESS ST242**

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**The Office of the Prosecutor**

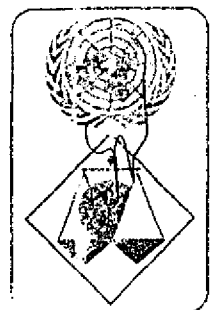
Ms. Joanna Korner  
Mr. Thomas Hannis

**Counsel for the Accused**

Mr. Slobodan Zečević and Mr. Slobodan Cvijetić for Mićo Stanišić  
Mr. Dragan Krgović and Mr. Aleksandar Aleksić for Stojan Župljanin

**Counsel for Milomir Stakić**

Mr. Branko Lukić  
Mr. John Ostojčić



**TRIAL CHAMBER II** (“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 “Prosecution’s motion to rescind protective measures for Witness ST-242 with Appendix A”, filed confidentially on 8 February 2012 (“Motion”), whereby the Prosecution seeks to rescind the protective measures of Azra Blažević, who was assigned witness number ST242 in this case;

**NOTING** that neither the Defence of Mićo Stanišić nor the Defence of Stojan Župljanin responded to the Motion;

**NOTING** the Prosecution submission that the witness testified publicly in *Tadić* but was granted the use of pseudonym and voice and image distortion for the purpose of her testimony in *Stakić*;<sup>1</sup>

**NOTING** the Prosecution submission that the witness confirmed that she no longer requires the continuation of the protective measures granted to her in *Stakić*;<sup>2</sup>

**RECALLING** that the prior evidence of Azra Blažević in *Tadić* was admitted in this case pursuant to Rule 92 *bis* on 5 January 2011;<sup>3</sup>

**CONSIDERING** Rule 75(F)(i) of the Tribunal’s Rules of Procedure and Evidence (“Rules”) which provides, *inter alia*, that protective measures, once ordered, “shall continue to have effect *mutatis mutandis* in any other proceedings before the Tribunal (“second proceedings”)” until they are rescinded, varied or augmented;

**CONSIDERING** further Rule 75(G)(ii) which provides, *inter alia*, that a party seeking to rescind protective measures previously ordered must apply to the Chamber seised of the second proceedings, where no Chamber remains seised of the first proceedings;

**NOTING** that in the absence of a notice by the Prosecution of any protective measures granted to Azra Blažević in previous proceedings, no explicit order applying the continuing protective measures, *mutatis mutandis*, was made in this case;

<sup>1</sup> Motion, para. 1, referring to *Prosecutor v. Tadić*, Case No. IT-94-1-T, 12-13 June 1996, T. 2414-2556 and *Prosecutor v. Stakić*, Case No. IT-97-24-T, Order on Prosecution’s motion for particular protective measures, 29 January 2002.

<sup>2</sup> Motion, para. 3 and Annex A.

<sup>3</sup> Written reasons for the oral decision granting in part Prosecution’s motion for admission of evidence of ST068, ST224, ST242, ST246, and ST248 pursuant to Rule 92 *bis*, 5 January 2011.

**NOTING**, however, that the protective measures from *Stakić* remained in place for these proceedings and accordingly, the witness was referred to as ST242 and her prior evidence was admitted confidentially;

**CONSIDERING** the witness's consent to rescission of the protective measures currently in place, this Chamber, as the one seised of the second proceedings, sees no reason for them to continue;

**PURSUANT** to Rules 75(F)(i), 75(G)(ii) and 78 of the Rules;

**RESCINDS** the protective measures granted to Azra Blažević on 29 January 2002 in *Stakić*;

**LIFTS** the confidentiality of the transcripts of the prior testimony of Azra Blažević in *Stakić* as well as in *Tadić*, admitted under seal in this case on 5 January 2011 as exhibits P2290 and P2291; and

**ORDERS** the Registry to make all records of her evidence before this Tribunal public.

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



Judge Burton Hall  
Presiding

Dated this nineteenth day of March 2012

At The Hague

The Netherlands

[Seal of the Tribunal]

