

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.

MİĆO STANIŠIĆ AND STOJAN ŽUPLJANIN

PUBLIC

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

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 Ostojić



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*;¹

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

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

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to have effect *mutatis mutandis* in any other proceedings before the Tribunal ("second proceedings")" until they are rescinded, varied or augmented;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;

¹ 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.

² Motion, para. 3 and Annex A.

³ 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;

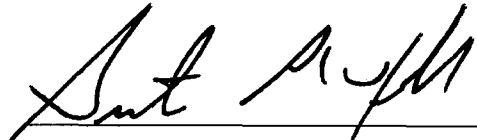
PURSUANT to Rules 75(F)(i), 75(G)(ii) and 78 of the Rules;

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]