

UNITED
NATIONS



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-03-67-T
Date: 3 December 2010
Original: ENGLISH
French

IN TRIAL CHAMBER III

Before: Judge Jean-Claude Antonetti, Presiding
Judge Frederik Harhoff
Judge Flavia Lattanzi

Registrar: Mr John Hocking

Decision of: 3 December 2010

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC DOCUMENT

**DECISION ON PROSECUTION'S THIRD MOTION FOR NON-
DISCLOSURE OF WITNESS NAMES AND OTHER IDENTIFYING
INFORMATION**

The Office of the Prosecutor

Mr Mathias Marcussen

The Accused

Mr Vojislav Šešelj

TRIAL CHAMBER III (“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”),

SEIZED of the motion by the Office of the Prosecutor (“Prosecution”) filed publicly with confidential and *ex parte* Annexes A to D on 12 November 2010, whereby the Prosecution requests, on the one hand, the continuation in these proceedings of the protective measures previously granted to four witnesses in other proceedings before the Tribunal and, on the other, permission to redact the names of these four witnesses and other identifying information before disclosing their witness statements to the Accused (“Motion”),¹

NOTING the decision rendered by Trial Chamber I on 4 July 2006 (“Decision of 4 July 2006”),² whereby the Chamber ordered the Prosecution to disclose to Vojislav Šešelj (“Accused”) the witness statements in its possession in which the Accused is mentioned by name and, if the exhibits were subject to protective measures, seek the Chamber’s permission for their partial disclosure or non-disclosure,³

CONSIDERING that the Accused did not respond to the Motion within the time limit provided for under Rule 126 *bis* of the Rules of Procedure and Evidence (“Rules”),⁴

CONSIDERING that, pursuant to Rule 75 (F) of the Rules, protective measures previously granted in any proceedings before the Tribunal shall continue to have effect *mutatis mutandis* in any other proceedings before the Tribunal and that the Chamber notes that the four witnesses referred to in the Motion were indeed protected in other proceedings,

¹ “Prosecution’s Third Motion for Non-Disclosure of Witness Names and Other Identifying Information”, filed publicly with confidential and *ex parte* Annexes A-D, 12 November 2010 (“Motion”).

² *The Prosecutor v. Vojislav Šešelj*, Case No. IT-03-67-PT, “Decision on Form of Disclosure”, 4 July 2006 (“Decision of 4 July 2006”). The Chamber notes that Trial Chamber I was seized of the case at the time. The French version was filed on 7 March 2007.

³ Decision of 4 July 2006, para. 17.

⁴ Procès-verbal of reception of the BCS translation of the Motion signed by the Accused on 18 November 2010 and filed on 24 November 2010.

CONSIDERING that the Chamber deems that at this stage the Accused does not need to know the identity of these four witnesses to determine whether a part of their statements will help him to prepare his defence,

CONSIDERING therefore that the Chamber allows the Prosecution to disclose the statements of these witnesses with the redactions proposed in the Motion,

FOR THE FOREGOING REASONS

PURSUANT TO Articles 20 (1), 21 (2) and 22 of the Statute and Rules 54 and 75 of the Rules,

ORDERS the continuation of the protective measures previously granted to the four witnesses referred to in the Motion,

ALLOWS therefore the Prosecution to disclose the statements of these witnesses with the redactions proposed in Annexes A to D of the Motion,

ORDERS the Accused to respect the confidentiality of the information obtained about these witnesses.

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

_____/signed/____

Jean-Claude Antonetti

Presiding Judge

Done this third day of December 2010

At The Hague (the Netherlands)

[Seal of the Tribunal]