



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-00-39 & 40-PT

Date: 18 April 2002

Original: ENGLISH

**IN THE TRIAL CHAMBER**

**Before:** Judge Richard May, Presiding  
Judge Patrick Robinson  
Judge O-Gon Kwon

**Registrar:** Mr. Hans Holthuis

**Decision of:** 18 April 2002

**PROSECUTOR**

v.

**MOMČILO KRAJIŠNIK  
&  
BILJANA PLAVŠIĆ**

**DECISION ON MOTION FOR ACCESS TO SCHEDULE "A" TO A  
CERTAIN MOTION DATED MARCH 22, 2002 FOR  
VARIATION OF PROTECTIVE MEASURES**

**Office of the Prosecutor:**

*Prosecutor v Plavšić and Krajišnik*  
Mr. Mark Harmon and Mr. Alan Tieger

*Prosecutor v. Milošević*  
Mr. Geoffrey Nice and  
Mr. Dermot Groome

**Accused:**

*Prosecutor v Plavšić and Krajišnik*  
Mr. Deyan Brashich and Mr. Nikola P. Kostich, for Momčilo Krajišnik  
Mr. Robert J. Pavich, Mr. Eugene O'Sullivan and Mr. Peter Murphy, for Biljana  
Plavšić

*Prosecutor v. Milošević*  
Slobodan Milošević



**THIS 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 (“International Tribunal”),

**BEING SEISED** of a “Motion for Access to Schedule ‘A’ to a Certain Motion Dated March 22, 2002 for Variation of Protective Measures”, filed by the Defence for the accused Momčilo Krajišnik (“Krajišnik Defence”) on 26 March 2002 (“the Motion”),

**NOTING** that the Krajišnik Defence seeks access to a confidential and *ex parte* Annex filed by the Prosecution in another Motion and containing a list of 36 proposed witnesses in the *Prosecutor v. Milošević* proceedings, arguing that the alleged nexus between the *Prosecutor v. Milošević* and these proceedings gives rise to a right to notice on the part of the Krajišnik Defence to the identity of witnesses the Prosecution intends to call in the *Milošević* proceedings,

**NOTING** the “Prosecution’s Response to Motion for Access to Schedule ‘A’ to a Certain Motion Dated March 22, 2002 for Variation of Protective Measures”, filed by the Office of the Prosecutor (“Prosecution”) on 10 April 2002, in which it argues that the Krajišnik Defence has no entitlement to know which of the witnesses in the *ex parte* Annex are common to the *Milošević* proceedings and these proceedings, that the accused in the *Milošević* proceedings has not yet had disclosed to him the identity of these witnesses and the accused in these proceedings does not have a right to such information,

**CONSIDERING** that there is no provision in the Rules of Procedure and Evidence of the International Tribunal (“Rules”) granting the accused such access and that it is not appropriate, given the fact that the witnesses in question concern separate proceedings before the International Tribunal, that such a request be granted,

**PURSUANT TO RULE 73** of the Rules,

**HEREBY REJECTS** the Motion.

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



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Richard May  
Presiding

Dated this eighteenth day of April 2002  
At The Hague  
The Netherlands

[Seal of the Tribunal]

