

IT-04-82-A
A2226-A2223
05 May 2010

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**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-04-82-A
Date: 5 May 2010
Original: English

BEFORE THE APPEALS CHAMBER

Before: Judge Patrick Robinson, Presiding
Judge Mehmet Güney
Judge Liu Daqun
Judge Andréia Vaz
Judge Theodor Meron

Registrar: Mr. John Hocking

Order of: 5 May 2010

PROSECUTOR

v.

**LJUBE BOŠKOSKI
JOHAN TARČULOVSKI**

PUBLIC

**ORDER ISSUING A PUBLIC REDACTED VERSION OF
THE WITHDRAWAL OF THE REQUEST TO THE UNITED
STATES OF AMERICA TO SERVE THE DECISION OF
22 DECEMBER 2009**

The Office of the Prosecutor:

Mr. Paul Rogers

Counsel for Ljube Boškosi:

Ms. Edina Rešidović
Mr. Guénaél Mettraux

Counsel for Johan Tarčulovski:

Mr. Alan M. Dershowitz
Mr. Nathan Z. Dershowitz
Mr. Antonio Apostolski
Mr. Jordan Apostolski

The Former Yugoslav Republic of Macedonia:

via the Embassy of the Former Yugoslavia Republic
of Macedonia to The Netherlands, The Hague

The United States of America:

via the Embassy of the United States of America to
The Netherlands, The Hague

THE APPEALS 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 (“Appeals Chamber” and “Tribunal”, respectively);


NOTING an order issued confidentially by the Appeals Chamber on 19 January 2010, in which it withdrew its request to the United States of America to serve the “Decision on Boškoski Motion for Urgent Orders Regarding Disclosure of Confidential Material” of 22 December 2009 on a media outlet (“Order”);

CONSIDERING that some of the information contained in the Order is to remain confidential;

HEREBY ISSUES a public redacted version of the Order.

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

Dated this fifth day of May 2010,
At The Hague,
The Netherlands.



Judge Patrick Robinson
Presiding

[Seal of the Tribunal]

**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-04-82-A
Date: 19 January 2010
Original: English

BEFORE THE APPEALS CHAMBER

Before: Judge Patrick Robinson, Presiding
Judge Mehmet Güney
Judge Liu Daqun
Judge Andréia Vaz
Judge Theodor Meron

Registrar: Mr. John Hocking

Order of: 19 January 2010

PROSECUTOR

v.

**LJUBE BOŠKOSKI
JOHAN TARČULOVSKI**

PUBLIC REDACTED VERSION

**WITHDRAWAL OF THE REQUEST TO THE UNITED STATES
OF AMERICA TO SERVE THE “DECISION ON BOŠKOSKI
MOTION FOR URGENT ORDERS REGARDING
DISCLOSURE OF CONFIDENTIAL MATERIAL” OF
22 DECEMBER 2009 ON [REDACTED]**

The Office of the Prosecutor:

Mr. Paul Rogers

The Former Yugoslav Republic of Macedonia:

via the Embassy of the Former Yugoslavia Republic
of Macedonia to The Netherlands, The Hague

Counsel for Ljube Boškosi:

Ms. Edina Rešidović
Mr. Guénaél Mettraux

The United States of America:

via the Embassy of the United States of America to
The Netherlands, The Hague

Counsel for Johan Tarčulovski:

Mr. Alan M. Dershowitz
Mr. Nathan Z. Dershowitz
Mr. Antonio Apostolski
Mr. Jordan Apostolski

THE APPEALS 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 (“Appeals Chamber” and “Tribunal”, respectively);

NOTING that in the “Decision on Boškoski Motion for Urgent Orders Regarding Disclosure of Confidential Material”, rendered confidentially by the Duty Judge on 22 December 2009 (“Decision”), the Duty Judge *inter alia* requested “the relevant authorities of the United States of America to serve this decision without delay on [REDACTED], and to provide, without delay, a written report confirming such service or describing the efforts made to do so”;¹

CONSIDERING that in the “Response of the United States of America to Decision on Boškoski[sic] Motion for Urgent Orders Regarding Disclosure of Confidential Material”, filed confidentially on 31 December 2009 by a representative of the United States of America (“Response of the United States of America”), the Duty Judge was informed that [REDACTED] voluntarily removed the material in question from its website and that this material is no longer accessible;²

CONSIDERING that it is no longer necessary that the United States of America serve the Decision on [REDACTED], or to provide a written report confirming such service or describing the efforts made to do so;

HEREBY WITHDRAWS the request to the relevant authorities of the United States of America to serve the Decision without delay on [REDACTED],³ and to provide, without delay, a written report confirming such service or describing the efforts made to do so.

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

Dated this nineteenth day of January 2010
At The Hague,
The Netherlands

Judge Patrick Robinson
Presiding

[Seal of the Tribunal]

¹ Decision, para. 21 (footnote omitted).

² Response of the United States of America, p. 1.

³ [REDACTED].