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D 23358 - D 23357
12 May 2009

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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-06-90-T
Date: 12 May 2009
Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding
Judge Uldis Ķiniš
Judge Elizabeth Gwaunza

Acting Registrar: Mr John Hocking

Order of: 12 May 2009

PROSECUTOR

v.

ANTE GOTOVINA
IVAN ČERMAK
MLADEN MARKAČ

PUBLIC

ORDER TO LIFT THE CONFIDENTIAL STATUS OF THE TRIAL CHAMBER'S
ORDER OF 3 NOVEMBER 2008

Office of the Prosecutor

Mr Alan Tieger
Mr Stefan Waespi

Counsel for Ante Gotovina

Mr Luka Mišetić
Mr Gregory Kehoe
Mr Payam Akhavan

Counsel for Ivan Čermak

Mr Steven Kay, QC
Mr Andrew Cayley
Ms Gillian Higgins

Counsel for Mladen Markač

Mr Goran Mikuličić
Mr Tomislav Kuzmanović

TRIAL CHAMBER I (“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”);

NOTING the Chamber’s Order for the safe conduct of Kosta Novaković, for the purposes of his appearance as a witness in the present case, filed confidentially on 3 November 2008 (“Order”);¹

BEING SEISED of the Gotovina Defence’s request that the Chamber lift the confidential status of the Order, so that it may reference it in a public filing (“Request”);²

NOTING that the Prosecution has indicated both to the Gotovina Defence,³ and the Chamber through informal communications that it does not object to the Request;

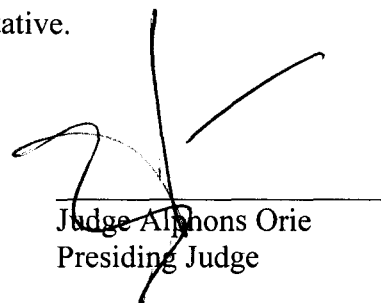
CONSIDERING that the Order was issued confidentially in the event that Kosta Novaković made a request for protective measures;

NOTING that Kosta Novaković testified publicly before the Chamber on 13-17 November 2008, and at no time made a request for protective measures;

FINDING no other reason to keep the Order confidential;

ORDERS that the Registrar of the Tribunal lift the confidential status of the Order.

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



Judge Alphons Orie
Presiding Judge

Dated this 12th day of May 2009
At The Hague
The Netherlands

[Seal of the Tribunal]

¹ Order for Safe Conduct, 3 November 2008.

² Defendant Ante Gotovina’s Request to Lift Confidential Status of Trial Chamber Order of 3 November 2008, 7 May 2009.

³ Request, para. 2.