



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of
Former Yugoslavia since 1991

Case No. IT-94-1-T
Date: 11 October 1996
Original: ENGLISH AND
FRENCH

IN THE TRIAL CHAMBER

Before: Judge Gabrielle Kirk McDonald, Presiding
Judge Ninian Stephen
Judge Lal C. Vohrah

Registrar: Mrs. Dorothee de Sampayo Garrido-Nijgh

Decision of: 11 October 1996

PROSECUTOR

v.

DUŠKO TADIĆ a/k/a "DULE"

**DECISION ON FOURTH CONFIDENTIAL MOTION
TO PROTECT DEFENCE WITNESSES**

The Office of the Prosecutor:

Mr. Grant Niemann
Ms. Brenda Hollis

Mr. Alan Tieger
Mr. Michael Keegan

Counsel for the Accused:

Mr. Michail Wladimiroff
Mr. Alphons Orié

Mr. Steven Kay
Ms. Sylvia de Bertodano

THE TRIAL CHAMBER,

CONSIDERING the confidential Fourth Motion to Protect Defence Witnesses ("Motion") filed on 9 October 1996 by the Defence, seeking certain protective measures for two defence witnesses, one of whom has already been designated as witness 43 and the other of whom is referred to in this Decision, for the sake of consistency with previous filings, as witness 38,

NOTING its previous Decisions on the Defence Motions to Protect Defence Witnesses issued on 25 June, 16 August and 20 September 1996,

NOTING that each of the requests set forth in the current Motion has been addressed in those Decisions, in which the Trial Chamber has explained at length its reasons,

HAVING HEARD the parties in closed session on 10 October 1996 as to the basis for such requests,

AND WITH THE AGREEMENT OF THE PARTIES

HEREBY GRANTS the Motion and ORDERS as follows:

PURSUANT TO RULE 54

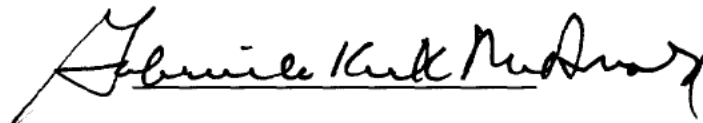
- (1) witness 38 and witness 43 may give testimony through video-link provided that the necessary equipment can be made available to the International Tribunal and subject to the conditions set out in paragraph 22 of the Decision of this Trial Chamber on the Defence Motions to Summon and Protect Defence Witnesses and on the Giving of Evidence by Video-Link of 25 June 1996;

and PURSUANT TO RULES 75 AND 79

- (2) the name, address, whereabouts of, and other identifying data concerning witness 38 shall not be disclosed to the public or to the media;
- (3) all hearings to consider the issue of protective measures for witness 38 shall be in closed session, however, edited recordings and transcripts of the session(s) shall, if possible, be released to the public and to the media after review by the Defence in consultation with the Victims and Witnesses Unit;
- (4) the name, address, whereabouts of, and identifying data concerning witness 38 shall be sealed and not included in any of the public records of the International Tribunal;
- (5) to the extent the name, address, whereabouts of, or other identifying data concerning witness 38 is contained in existing public documents of the International Tribunal, that information shall be expunged from those documents;
- (6) documents of the International Tribunal identifying witness 38 shall not be disclosed to the public or to the media;
- (7) the testimony of witness 38 shall be heard in open session using image-altering devices to the extent necessary to prevent his identity from becoming known to the public and to the media;
- (8) the pseudonym T shall be used whenever referring to witness 38 in proceedings before the International Tribunal and in discussions among parties to the trial;
- (9) the name of witness 38 shall be released to the Prosecution immediately;

- (10) the Prosecution and its representatives who are acting pursuant to its instructions or requests shall not disclose the name or any other identifying data of witness 38 to the public or to the media, except to the limited extent such disclosure to members of the public is necessary to investigate the witness adequately and any such disclosure shall be made in such a way as to minimise the risk of the witness's name being divulged to the public at large or to the media;
- (11) the Prosecution and its representatives who are acting pursuant to its instructions or requests shall notify the Defence of any requested contact with witness 38 or the relatives of witness 38 and the Defence shall make arrangements for such contact as may be determined necessary;
- (12) the public and the media shall not photograph, video-record or sketch witness 38 while he is in the precincts of the International Tribunal.

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



Gabrielle Kirk McDonald
Presiding Judge

Dated this eleventh day of October 1996
At The Hague
The Netherlands

[Seal of the Tribunal]