



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-96-21-T  
Date: 18 July 1997  
Original: English

---

**IN THE TRIAL CHAMBER**

**Before:** Judge Adolphus Karibi-Whyte, Presiding  
Judge Elizabeth Odio Benito  
Judge Saad Saood Jan

**Registrar:** Mrs. Dorothee de Sampayo Garrido-Nijgh

**Decision of:** 18 July 1997

**PROSECUTOR**

**v.**

**ZEJNIL DELALIĆ  
ZDRAVKO MUCIĆ, also known as "Pavo"  
HAZIM DELIĆ  
ESAD LANDŽO, also known as "Zenga"**

---

**ORDER ON THE MOTION BY THE PROSECUTION FOR PROTECTIVE MEASURES  
FOR THE WITNESS DESIGNATED BY THE PSEUDONYM "P"**

---

**The Office of the Prosecutor:**

**Mr. Eric Ostberg  
Ms. Teresa McHenry**

**Mr. Giuliano Turone  
Ms. Elles van Dusschoten**

**Counsel for the Accused:**

**Ms. Edina Rešidović, Mr. Ekrem Galijatović, Mr. Eugene O'Sullivan, for Zejnil Delalić  
Mr. Željko Olujić, Mr. Michael Greaves, for Zdravko Mucić  
Mr. Salih Karabdić, Mr. Thomas Moran, for Hazim Delić  
Mr. John Ackerman, Ms. Cynthia McMurrey, for Esad Landžo**

**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 filed on 7 July 1997 by the office of the Prosecutor (“Prosecution”) seeking protective measures for the witness designated by the pseudonym “P” (“Motion”);

**CONSIDERING** the oral arguments of the Prosecution and the Defence for the four accused persons while speaking to the Motion on 7 July 1997;

**NOTING** Article 20 of the Statute of the International Tribunal (“Statute”) which mandates the Trial Chamber to ensure full respect for the rights of the accused and due regard for the protection of victims and witnesses;

**NOTING FURTHER** Article 22 of the Statute of the International Tribunal which obliges the International Tribunal in its Rules of Procedure and Evidence (“Rules”) to prescribe measures for the protection of victims and witnesses;

**NOTING FURTHER** Rules 69, 75 and 79, which empower the Trial Chamber to provide protection to victims and witnesses in appropriate circumstances;

**CONSIDERING** the findings of this Trial Chamber in *Prosecutor v. Zejnil Delalic et al.*, Decision on the Motion by the Prosecution for Protective Measures for the Witness Designated by the Pseudonym “N” (IT-96-21-T), 28 April 1997 (RP 3448 - 3456);

**CONSIDERING** that the protective measures sought strike the appropriate balance between the rights of the accused and the protection of witness “P”;

**FOR THE FOREGOING REASONS DECIDES THAT;**

**PURSUANT TO RULE 75:**

- (1) the name, address, whereabouts and other identifying data concerning the person given the pseudonym "P" shall not be disclosed to the public or to the media;
- (2) all hearings to consider the issue of protective measures for witness P shall be in closed session, however, edited recordings or transcripts of the session(s) shall, if possible, be released to the public and to the media after review by the Office of the Prosecutor in consultation with the Victims and Witnesses Unit to ensure that no information leading to the possible identification of the witness is disclosed;
- (3) the name, address, whereabouts of and identifying information concerning witness P shall be sealed and not included in any of the public records of the International Tribunal;
- (4) to the extent the name, address, whereabouts of, or other identifying information concerning the status of witness P as a witness is contained in existing public documents of the International Tribunal, that information shall be expunged from those documents;
- (5) documents of the International Tribunal identifying witness P shall not be disclosed to the public or the media;
- (6) the pseudonym "P" shall be used whenever referring to this witness in his capacity as a witness in Tribunal proceedings and in discussions among parties to the trial;
- (7) the testimony of witness P may be given using image and voice altering devices to the extent necessary to prevent his identity from becoming known to the public or the media, and if necessary, there will be a private session;
- (8) if a part of witness P's testimony is given in private session, edited recordings and transcripts of the private session(s) shall be released to the public and to the media after review by the Office of the Prosecutor in consultation with the Victims and Witnesses Unit to ensure that no information leading to the possible identification of the witness is disclosed;
- (9) the accused, the Defence counsel and their representatives who are acting pursuant to their instructions or request, shall not disclose the name of witness P, or other identifying data concerning witness P, 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. Any such disclosure shall be made in such a way as to minimise the risk of the witness' name being divulged to the public at large or to the media;

(10) the accused, the Defence counsel and their representatives who are acting pursuant to their instructions or request, shall notify the Office of the Prosecutor of any requested contact with witness P or the relatives of witness P, and the Office of the Prosecutor shall make any arrangements for such contact as may be determined necessary; and

(11) the public and the media shall not photograph, video-record or sketch witness P while he is in the precincts of the International Tribunal.

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



Adolphus Karibi-Whyte  
Presiding Judge

Dated this eighteenth day of July 1997,  
At The Hague  
The Netherlands.

**[Seal of the Tribunal]**