



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-95-17/1-PT  
Date: 13 February 1998  
Original: ENGLISH

**IN THE TRIAL CHAMBER**

**Before:** Judge Antonio Cassese, Presiding  
Judge Richard George May  
Judge Florence Ndepele Mwachande Mumba

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

**Order of:** 13 February 1998

**PROSECUTOR**

**v.**

**ANTO FURUNDŽIJA**

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**ORDER PURSUANT TO PROSECUTOR'S MOTION  
TO PROTECT VICTIMS AND WITNESSES**

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**The Office of the Prosecutor:**

Mr. Mark Harmon  
Mr. Terree Bowers  
Mr. Michael Blaxill

**Counsel for the Accused:**

Mr. Luka S. Misetic

**THE 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 confidential motion of the Office of the Prosecutor ("Prosecution") seeking protection for victims and witnesses dated 13 January 1998 (Official Record at Registry Page ("RP") D42-D44) ("Motion")

**NOTING** the Defendant's brief in opposition to the Motion dated 26 January 1998 (RP D51-D61);

**NOTING** the oral arguments of the parties while speaking to the Motion at a closed session Status Conference on 12 February 1998;

**NOTING IN PARTICULAR** that the Defendant agrees to the need to provide protective measures in respect of the individual identified in the Motion as Witness 'A';

**CONSIDERING** both the right of the Accused to a fair, expeditious and public trial, and the need to protect and safeguard the interests of victims and witnesses who appear before the International Tribunal;

**CONSIDERING** Article 22 of the Statute of the International Tribunal ("Statute") and Rule 75 of the Rules of the Rules of Procedure and Evidence ("Rules");

**CONSIDERING FURTHER** the failure of the Prosecution to provide details of the remaining individuals for whom such measures are sought;

**NOTING** that this Order does not prejudice the Trial Chamber's determination of the issue of disclosure currently pending before it;

**FOR THE FOREGOING REASONS;**

**HEREBY ORDERS THAT:**

- (1) the name, address, whereabouts and other identifying data concerning the person given pseudonym A shall not be disclosed to the public or to the media;
- (2) the name, address, whereabouts and other identifying information concerning A shall be sealed and not included in any of the public records of the International Tribunal;
- (3) to the extent the name of, or other identifying data concerning A is contained in existing public documents of the International Tribunal, that name and other identifying data shall be expunged from those documents;
- (4) documents of the International Tribunal identifying this witness shall not be disclosed to the public or the media;
- (5) the pseudonym A shall be used whenever referring to this witness in proceedings before the International Tribunal and in discussions among parties to the trial;
- (6) the accused, the defence counsel and their representatives who are acting pursuant to their instructions or requests shall not disclose the name of this witness or other identifying data concerning this witness 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;

- (7) any such disclosure shall be done 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;
- (8) the public and the media shall not photograph, video record or sketch the protected witness while the witness is in the precincts of the International Tribunal.

**AND HEREBY DEFERS** consideration of the further protections requested in the Motion until the Prosecution provides both the relevant information concerning the individuals for whom protective measures are sought and the reasons for requesting such measures.

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



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Antonio Cassese  
Presiding Judge

Dated this thirteenth day of February 1998  
At The Hague,  
The Netherlands.

[Seal of the Tribunal]