



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-98-30-T

Date: 13 March 2000

English  
Original: French

**IN THE TRIAL CHAMBER**

**Before:** Judge Almiro Rodrigues, Presiding  
Judge Fouad Riad  
Judge Patricia Wald

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

**Decision of:** 13 March 2000

**THE PROSECUTOR**

v.

**MIROSLAV KVOČKA  
MILOJICA KOS  
MLADO RADIĆ  
ZORAN ŽIGIĆ**

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**ORDER ON THE PROSECUTOR'S  
MOTION FOR PROTECTIVE MEASURES FOR A WITNESS**

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**The Office of the Prosecutor:**

**Ms. Brenda J. Hollis**

**Defence Counsel:**

**Mr. Krstan Simić for Mr. Kvočka  
Mr. Žarko Nikolić for Mr. Kos  
Mr. Toma Fila, for Mr. Radić  
Mr. Simo Tošić for Mr. Žigić**

**TRIAL CHAMBER I** 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 (hereinafter “the Tribunal”),

**NOTING** the “Motion for Protective Measures for a Witness” (hereinafter “the Motion”) filed confidentially by the Office of the Prosecutor on 3 March 2000,

**PURSUANT** to Articles 20 and 22 of the Statute of the International Tribunal and Rules 69 and 75 of the Rules of Procedure and Evidence,

**NOTING** the existing Order for protective measures in the case in point issued on 11 December 1998,

**CONSIDERING** that in her Motion the Prosecutor requests that the Trial Chamber grant several protective measures to a Prosecution witness on the ground that the witness, who is a Muslim, would fear acts of retaliation against himself or his family following his testimony at the Tribunal,

**CONSIDERING** that the Prosecutor more specifically requests the following measures: the redaction of the recordings and transcripts of the hearing open to the public and the media; the use of a pseudonym (witness N) and the prohibition against photographs, recordings or sketches of the witness although the testimony would nonetheless be public,

**CONSIDERING** that Article 20 of the Statute of the Tribunal requests that the Trial Chamber ensure full respect for the rights of the accused and due regard for the protection of the victims and witnesses,

**CONSIDERING** that Article 22 of the Statute requires that International Tribunal provide in its Rules of Procedure and Evidence for protective measures for the victims and witnesses,

**CONSIDERING** that the Trial Chamber notes that similar measures have been satisfactorily applied in other on-going cases at the Tribunal,

**CONSIDERING** that the measures requested by the Prosecution in its Motion protect the witness and respect his private life without infringing the rights of the accused or the fact that the proceedings should be public,

**CONSIDERING** that, pursuant to Article 20 of the Statute, the hearings shall, in principle, be public,

**APPLYING** Rules 69 and 75 of the Rules,

**GRANTS** the Motion and **ORDERS** the following:

(I) During the public hearings and in the transcripts thereof, as well as in the exchanges between the parties, the witness shall be referred to by the pseudonym N,

(II) The accused, his counsel and their representatives shall not disclose to any third parties or to the media the identity or whereabouts of this witness nor any information which would permit him or his depositions to be identified except for what is strictly necessary for preparing the defence,

(III) The Defence shall instruct those persons having received from it a copy of the statement or deposition not to disclose them except for what is strictly necessary for preparing the defence and only further to its express prior approval; and that any disclosure shall, insofar as possible, limit the risk of the witness' identity being disclosed to the third parties or to the media,

(IV) The Defence shall keep a log with the names, addresses and positions of each person to whom a copy of the statement or deposition of the witness is given as well as the date when this was done and for what reason, and shall submit the log to the Trial Chamber whenever it so requests,

(V) The accused, his counsel and their representatives shall inform the Prosecution of any request for contact with the witness or the members of his family; and the Prosecutor, with the agreement of the witness or the members of his family, shall, as necessary, take all the necessary measures to permit such contact,

(VI) During such time as the witness will spend at the Tribunal, photographs, recordings or sketches of the witness shall be prohibited,

(VII) The name, address, whereabouts and any other information permitting the identification of the witness shall be filed under seal and shall not appear in the public records of the International Tribunal,

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

(signed)

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Judge Almiro Rodrigues  
Presiding Judge of the Trial Chamber

Done this thirteenth day of March 2000  
At The Hague  
The Netherlands.