

17 April 2000



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-95-4-PT

Date 14 April 2000

Original: English

IN THE TRIAL CHAMBER

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

Registrar: Mrs. Dorothee de Sampayo Garrido-Nijgh

Decision of: 14 April 2000

THE PROSECUTOR

v.

DRAGOLJUB PRCAĆ

**DECISION ON PROSECUTION MOTION FOR PROTECTIVE MEASURES AND
PARTICULARY FOR WITNESS N**

The Office of the Prosecutor:

Ms. Brenda Hollis

Defence Counsel:

**Mr. Jovan Simić
Mr. Dušan Masić**

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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 (“the Tribunal”);

BEING SEIZED of the Prosecutor’s “Motion for Additional Protective Measures for Witness N and to Apply the Trial Chamber Order Dated 13 March 2000 to the accused Prcać” filed on 31 March 2000;

NOTING the “Order on the Prosecutor’s Motion for Protective Measures for a Witness” filed in the case IT-98-30 on 13 March 2000;

NOTING the “Order for Protective Measures” in the case IT-95-4-PT, dated 29 March 2000;

NOTING articles 20 and 22 of the Statute and Rules 54, 66, 68, 69 and 75 of the Rules of Procedure and Evidence;

CONSIDERING that the Chamber deems that the concerns expressed by the Prosecutor as to the safety of the Prosecution witness N are legitimate and that it is incumbent upon the Trial Chamber to take the appropriate measures necessary to ensure his protection whilst enabling the Defense to prepare for trial;

HEREBY ORDERS that:

- 1- The witness shall be referred to as witness N;
- 2- In case of limited disclosure necessary for the preparation of the Defense, the Defense shall keep a log of all disclosures of the protected data, including to whom disclosed, when and for what purpose. This log will be made available to the Trial Chamber upon order of the Chamber;
- 3- The accused, his defense counsel, and their representatives who are acting pursuant to their instructions or requests, shall contact Prosecutor witness or potential witness, or any person identified in material disclosed to the accused, his defense counsel, and their representatives acting pursuant to their instructions or requests only on reasonable prior

written notice to the Prosecutor; if a witness so requests, the Prosecution may be present at any meetings between that witness and the Defense; and

- 4- The Prosecutor shall contact a witness or a potential witness identified to them by the Defense, or a person identified in material disclosed by the accused, his defense counsel, and their representatives acting pursuant to their instructions or requests only on reasonable prior written notice to the Defense; if a witness so requests, the Defense may be present at any meetings between that witness and the Prosecution.
- 5- Regarding specifically witness N, no photography, video-record or sketch shall be taken while in the precincts of the Tribunal;
- 6- Identifying information concerning witness N shall be sealed and not included in any of the public records of the Tribunal;
- 7- Witness N shall testify with voice and facial distortion.

NOTE that motion for protective measures for further witnesses may be presented orally.

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



Almiro Rodrigues
Presiding Judge

Dated this fourteenth day of April 2000,
At The Hague
The Netherlands.

[Seal of the Tribunal]