



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: IT-99-36-PT  
Date: 3 September 2001  
Original: English

**IN TRIAL CHAMBER II**

**Before: Judge David Hunt, Pre-Trial Judge**

**Registrar: Mr Hans Holthuis**

**Decision of: 3 September 2001**

**PROSECUTOR**

v

**Radoslav BRĐANIN & Momir TALIĆ**

---

**DECISION ON SIXTH MOTION BY THE PROSECUTION FOR PROTECTIVE MEASURES**

---

**The Office of the Prosecutor:**

**Ms Joanna Korner  
Mr Nicolas Koumjian  
Mr Andrew Cayley  
Ms Anna Richterova  
Ms Ann Sutherland**

**Counsel for Accused:**

**Mr John Ackerman for Radoslav Brdanin  
Maître Xavier de Roux and Maître Michel Pitron for Momir Talić**

I, Judge David Hunt, Pre-Trial Judge in this case;

**BEING SEISED OF** the “Prosecution’s Sixth Motion for Protective Measures for Victims and Witnesses” (“Motion”) filed confidentially by the prosecution on 16 August 2001 in which the prosecution seeks to delay the disclosure of the identity of Witnesses 7.175 and 7.176 to the defence until a period closer to trial;

**NOTING** the “Response to Prosecutor’s Sixth Confidential Motion for Protective Measures” (“Response”) filed by the accused Radoslav Brđanin (“Brđanin”) on 21 August 2001 in which the prosecution’s Motion is opposed;

**NOTING** that the accused Momir Talić (“Talić”) has filed no response to the Motion, but noting his opposition to the previous requests by the Prosecutor for protective measures to be granted to her witnesses;

**NOTING** the “Decision on Third Motion for Protective Measures” (“Decision”) issued by the Trial Chamber on 8 November 2000, and in particular the requirements set down in that decision as to what must be established by the prosecution to justify the delay of disclosure to the defence of a witnesses identity;

**NOTING ALSO** the Order made on 23 February 2001 (“Order”) granting relief to the Prosecutor in relation to protective measures for certain witnesses, in which specific reference was made to the fact that those witnesses either live in, or have relatives currently residing in, or propose to return to, or travel to, municipalities in Republic Srpska which the Office of the High Representative assesses as dangerous;

**CONSIDERING** the information provided by the Prosecutor on an *inter partes* and *ex parte* basis in support of the delayed disclosure of the identity of Witnesses 7.175 and 7.176 satisfies the requirements of that Decision and Order in the particular circumstances of this case;

**HEREBY ORDERS** that leave be granted to the Prosecutor to delay the disclosure of the identities of Witness 7.175 and 7.176 to the defence until dates to be fixed, the date for each witness to be determined by either the Trial Chamber or the Pre-Trial Judge at a time when it is known approximately when the trial will commence, by reference to the justifications given by the Prosecutor for the delayed disclosure of their identity.

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

Dated this 3<sup>rd</sup> day of September 2001  
At The Hague  
The Netherlands



---

Judge David Hunt  
Pre-Trial Judge

[Seal of the Tribunal]