



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-99-37-PT

Date: 4 January 2002

Original: English

IN THE TRIAL CHAMBER

Before: Judge Richard May, Presiding
Judge Patrick Robinson
Judge O-Gon Kwon

Registrar: Mr. Hans Holthuis

Decision of: 4 January 2002

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

**DECISION ON PROSECUTION'S MOTION
FOR PROTECTIVE MEASURES**

The Office of the Prosecutor

Mr. Geoffrey Nice
Mr. Dirk Ryneveld
Ms. Cristina Romano
Mr. Milbert Shin

Mr. Daniel Saxon
Ms. Julia Baly
Mr. Daryl A. Mundis

The Accused

Slobodan Milošević

Amicus Curiae

Mr. Steven Kay
Mr. Branislav Tapušković
Mr. Michail Wladimiroff

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 an *ex parte* and confidential “Prosecution’s Motion for Protective Measures” filed by the Office of the Prosecutor (“Prosecution”) on 14 November 2001 (“Motion”), seeking a variety of protective measures for 29 identified witnesses (“the Witnesses”) both at the pre-trial and the trial stages of the proceedings,

NOTING the Order Granting Protective Measures issued by the Pre-trial Judge, Judge May, on 16 November 2001, authorising the Prosecution to refer to certain witnesses by way of pseudonym, and noting that the Trial Chamber remained seised of the other requests in the Motion

NOTING also that the pre-trial conference is scheduled to be held in this matter on Wednesday 9 January 2002, and that certain requests raised by the Prosecution may appropriately be discussed at that conference,

CONSIDERING that Article 20 of the Statute requires the Trial Chambers to ensure that proceedings are conducted with full respect for the rights of the accused and due regard for the protection of victims and witnesses,

CONSIDERING the rights of the accused under Article 21(2) of the Statute to a fair and public hearing, subject to Article 22 of the Statute,

CONSIDERING the confidential Decision on Prosecution’s Motion for Order of Non-disclosure issued by the pre-trial Judge on 19 July 2001 (“the 19 July 2001 Decision”), which remains in full force and effect,

CONSIDERING that, save as otherwise provided in this Decision, the protection sought is necessary and appropriate to protect the victims and witnesses identified in the supporting material, while still remain consistent with the rights of the accused,

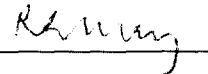
PURSUANT TO Articles 20, 21 (2), and 22 of the Statute

HEREBY GRANTS the Motion in part and **ORDERS** as follows:

- (1) The Prosecution shall address the Trial Chamber at the pre-trial conference on the date proposed for disclosure to the accused of the identity of the Witnesses and any other relevant matters; and the Trial Chamber will rule thereon;
- (2) The Prosecution may continue to use pseudonyms when referring to the Witnesses in public until such time as each witness is called to testify and the protection set out in this Decision shall apply to the Witnesses until further order;
- (3) The Prosecution shall be at liberty to apply for specific protective measures for individual witnesses when testifying, including the use of pseudonyms, image distortion and closed sessions, prior to the date on which each witness is to testify;
- (4) All hearings to consider the issue of protective measures for specific witnesses shall be held in closed session and only released to the public and to the media after review by the Prosecution, in consultation with the Victims and Witnesses Section;
- (5) All material pertaining to the Witnesses shall be returned to the Registry following the close of this proceeding;
- (6) All provisions of this Decision and of the 19 July 2001 Decision shall apply equally to the *Amici Curiae*;
- (7) The names and other identifying data of the Witnesses, including their whereabouts, shall not be disclosed to the public;
- (8) The names, addresses, whereabouts of and identifying data concerning the Witnesses shall be sealed and not included in any public records of the International Tribunal;
- (9) To the extent that the names, addresses, whereabouts or other identifying data concerning the Witnesses are contained in existing public documents of the International Tribunal, that information shall be expunged from those documents; and
- (10) Documents of the International Tribunal identifying the Witnesses shall not be disclosed to the public or the media.

For the purpose of this decision, “the public” means and includes all persons, governments, organisations, entities, clients, associations and groups, other than the Judges of the International Tribunal, the staff of the Registry, the Prosecutor, and the accused and the *Amici Curiae*. “The public” also includes, without limitation, families, friends, and associates of the accused; the accused and defence counsel in other cases or proceedings before the International Tribunal; the media; and journalists.

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



Richard May
Presiding

Dated this fourth day of January 2002
At The Hague
The Netherlands

[Seal of the Tribunal]