



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-T
Date: 24 January 2002
Original: English

IN TRIAL CHAMBER II

Before: Judge Carmel Agius, Presiding Judge
Judge Ivana Janu
Judge Chikako Taya

Registrar: Mr Hans Holthuis

Decision of: 24 January 2002

THE PROSECUTOR

v.

**RADOSLAV BRĐANIN
MOMIR TALIĆ**

**DECISION ON PROSECUTION'S SEVENTH MOTION FOR PROTECTIVE MEASURES
FOR VICTIMS AND WITNESSES**

The Office of the Prosecutor:

Ms. Joanna Korner
Mr. Andrew Cayley

Counsel for Accused Radoslav Brđanin:

Mr. John Ackerman
Ms. Milka Maglov

Counsel for Accused Momir Talić:

Mr. Xavier De Roux
Mr. Michel Pitron

TRIAL CHAMBER II 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 "International Tribunal"),

BEING SEISED of the "Prosecution's Seventh Motion for Protective Measures for Victims and Witnesses" filed confidentially and under seal on 16 January 2002 (hereinafter "Motion"), in which various protective measures are requested for witnesses who will testify "viva voce" about events in the Banja Luka municipality, including pseudonym, image and voice distortion and closed session;

NOTING that the Prosecution submits that the protective measures sought are justified by the concern expressed by the witnesses about the possible negative consequences which their testimony could have for themselves and their relatives;

NOTING that at the Pre-Trial Conference on 21 January 2002, counsel for Brđanin and Talić stated they have no objection to these protective measures;

CONSIDERING that the fears expressed by the witnesses as to their safety are legitimate and justified, and that the Trial Chamber needs to take the appropriate measures necessary to ensure their protection, whilst enabling the defence to prepare for trial;

CONSIDERING that the Trial Chamber is satisfied that, with regard to the Witnesses mentioned in paragraph 7 of the Motion, testifying in closed session is necessary as their identity could be revealed by the substance of their testimony;

CONSIDERING that, in the view of the Trial Chamber, the protective measures requested strike an appropriate balance between the right of the accused to a fair and public hearing, the right of the public to access of information and the duty of the Tribunal to protect victims and witnesses and that consequently the required balancing exercise is undertaken and satisfied;

FOR THE FOREGOING REASONS

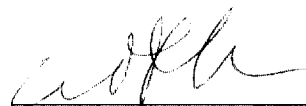
PURSUANT TO Article 22, 21 and 22 of the Statute of the Tribunal and to Rules 75 and 79 of the Rules of Procedure and Evidence;

HEREBY GRANTS the protective measures requested in the prosecution's Motion.

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

Done this twenty-fourthth day of January 2002

At The Hague
The Netherlands



Judge Carmel Agius
Presiding Judge

[Seal of the Tribunal]