



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: 1 March 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: 1 March 2002

THE PROSECUTOR

v.

**RADOSLAV BRĐANIN
MOMIR TALIĆ**

**DECISION ON PROSECUTION'S EIGHTH 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
Ms. Natacha Faveau Ivanović
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 Eighth Motion for Protective Measures for Victims and Witnesses” filed confidentially and under seal on 25 February 2002 (hereinafter “Motion”), in which various protective measures are requested for witnesses who will testify “viva voce” about events in the Sanski Most municipality, including pseudonym, image, voice distortion and closed session;

NOTING that the Prosecution submits that the protective measures sought are justified by the concern expressed by the witnesses for their safety and security, as well as of their relatives stemming from their appearance before the Trial Chamber;

NOTING that during the Trial Proceedings of 26 February 2002, counsel for Brđanin and Talić stated they have no objection to these protective measures;

CONSIDERING that, in order to grant protective measures, the Trial Chamber must ensure that the protective measures are compatible with the right of the accused to a public hearing and his right to examine, or have examined, the witnesses against him;

CONSIDERING that the Trial Chamber is convinced that the fears expressed by the witnesses as to the safety of themselves and/or their families are legitimate and justified;

CONSIDERING that the Trial Chamber is satisfied that, with regard to the witness mentioned in paragraph 3 of the Motion, testifying in closed session is necessary as the identity of the witness could be revealed by the substance of his/her testimony;

CONSIDERING that, after analysing the protective measures and determining their compatibility with the rights of the accused, the Trial Chamber is of the view that an appropriate balance has been struck between these factors;

FOR THE FOREGOING REASONS

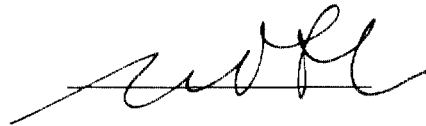
PURSUANT TO Article 21 and 22 of the Statute of the Tribunal and to Rules 75 and 79 of the Rules of Procedure and Evidence;

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

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

Done this _first___ day of March 2002

At The Hague
The Netherlands



Judge Carmel Agius
Presiding Judge

[Seal of the Tribunal]