

**UNITED  
NATIONS**



International Tribunal for the  
Prosecution of Persons  
Responsible for Serious Violations of  
International Humanitarian Law  
Committed in the Territory of  
Former Yugoslavia since 1991

Case No. IT-99-36-T  
Date: 14 March 2002  
Original: English

**IN TRIAL CHAMBER II**

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

**Registrar:** Mr. Hans Holthuis

**Decision of:** 14 March 2002

**PROSECUTOR**

v.

**RADOSLAV BRĐANIN  
and  
MOMIR TALIC**

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

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**The Office of the Prosecutor:**

Ms. Joanna Korner  
Mr. Andrew Cayley

**Counsel for the Accused:**

Mr. John Ackerman and Ms. Milka Maglov, for Radoslav Brđanin  
Mr. Xavier de Roux and Ms. Natacha Fauveau-Ivanović, for Momir Talić

**TRIAL CHAMBER II** (“the 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 (“the Tribunal”):

**BEING SEISED OF** the Prosecution’s Ninth Motion for Protective Measures for Victims and Witnesses filed confidentially on 8 March 2002 (“Motion”);

**NOTING** the statement by the accused Momir Talić during the proceedings on 11 March 2002 and the statement by the accused Radoslav Brđanin during the proceedings on 12 March 2002 that they have no objections to the Motion;

**NOTING** that the protective measures requested relate to a witness for whom the Trial Chamber has accepted a written statement pursuant to Rule 92 *bis*, although the statement has not yet been marked as an exhibit;

**NOTING** that the protective measures requested in the Motion consist of the assignment of a pseudonym and the redaction of all information as to the witness’ identity and current whereabouts from the statement that has been admitted pursuant to Rule 92 *bis*;

**NOTING** the prosecution’s claim that the requested protective measures are necessary to safeguard the security of the witness having regard to his current place of residence as well as his current place of employment;

**CONSIDERING** the Trial Chamber’s duty to balance the right of the accused to a public hearing against the need to accord appropriate protection to victims and witnesses;

**CONSIDERING** that the protective measures requested in the motion strike an appropriate balance between the rights of the accused and the rights of victims and witnesses;

**FOR THE FOREGOING REASONS**

**PURSUANT** to Article 21 and 22 of the Statute of the Tribunal and to Rule 75 and 79 of the Rules of Procedure and Evidence

**HEREBY ORDERS** as follows:

1. The pseudonym “BT18” shall be used whenever referring to the witness identified in the Motion in proceedings before the Tribunal and in any further discussions among parties to the current proceedings;

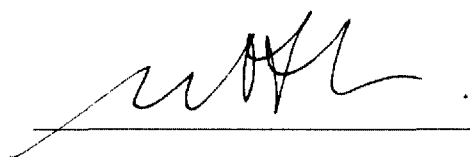
2. All hearings to consider the issue of protective measures of Witness BT 18 shall be in closed session and records and transcripts of the session(s) shall only be released to the public and to the media after redaction by the Office of the Prosecutor, in consultation with Chambers Legal Officers and the Victims and Witnesses Section, of all information that could reveal the witness' identity and current whereabouts;
3. The name, address, whereabouts and identifying information for the Witness BT 18 shall be sealed and not included in any of the public records of the Tribunal;
4. To the extent that the name, address, whereabouts, or other identifying data concerning Witness BT 18 is contained in existing public documents of the Tribunal, that information shall be expunged from those documents;
5. The Rule 92 *bis* statements of Witness BT 18 that were accepted by the Trial Chamber shall be made public after redaction by the Office of the Prosecutor, in consultation with Chambers Legal Officers and the Victims and Witnesses Section, of all information that could reveal the witness' identity and current whereabouts.

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

Dated this 14th day of March 2002,

At The Hague

The Netherlands



**Carmel Agius**

**Presiding Judge**

**[Seal of the Tribunal]**