



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-02-54-T  
Date: 26 April 2002  
Original: English

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**IN THE TRIAL CHAMBER**

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

**Registrar:** Mr. Hans Holthuis

**Decision of:** 26 April 2002

**PROSECUTOR**

**v.**

**SLOBODAN MILOŠEVIĆ**

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**DECISION ON PROSECUTION MOTION TO EXEMPT WITNESS STATEMENTS  
FROM TRIAL CHAMBER'S ORDER OF 21 JANUARY 2002**

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**The Office of the Prosecutor**

Mr. Geoffrey Nice  
Mr. Dirk Ryneveld  
Ms. Hildegaard Uertz-Retzlaff  
Mr. Dermot Groome

**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 the confidential *ex parte* "Prosecution's Motion for Permission to Exempt Four Witness Statements from the Trial Chamber's Order of 21 January 2002" filed by the Prosecution on 24 January 2002 ("the Motion"), in which the Prosecution seeks exemption for four witness statements from the order for immediate disclosure in one of the working languages of the International Tribunal and an order that the witness statements be disclosed to the *amici curiae* 30 days and to the accused 10 days before the witness is expected to testify,

**NOTING** the Order of the Trial Chamber of 25 January 2002, granting temporary exemption pending determination of the substantive merits of the Motion,

**NOTING** its "Order for Further Submissions" issued on 26 February 2002 and the submissions of the Prosecution filed on 12 March 2002 in response thereto;

**NOTING** also the Order of the pre-trial Judge of 16 November 2001, permitting the use of pseudonyms for these witnesses until such time as they are called to testify, as confirmed by the Order of the Trial Chamber of 4 January 2002,

**CONSIDERING** the concerns raised by the Prosecution in the Motion and that the statements will be disclosed to the *amici curiae* and to the accused before the witness testifies,

**PURSUANT TO** Rule 54 of the Rules of Procedure and Evidence of the International Tribunal,

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

- (1) the Prosecution is released from the obligation imposed by the Order of the Trial Chamber of 21 January 2002 to disclose the redacted statements of the witnesses; and

- (2) the Prosecution shall disclose the unredacted statements, in full, of each of the four witnesses to the *amici curiae* not less than 30 days and to the accused not less than 10 days before the witness is expected to testify.

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



Richard May  
Presiding

Dated this twenty-sixth day of April 2002  
At The Hague  
The Netherlands

[Seal of the Tribunal]