



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-95-4-PT

Date: 13 June 2002

Original: ENGLISH

IN THE TRIAL CHAMBER

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

Registrar: Mr. Hans Holthuis

Order of: 13 June 2002

PROSECUTOR

v.

**ŽELJKO MEAKIĆ
MOMČILO GRUBAN
DUŠKO KNEŽEVIĆ**

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

Office of the Prosecutor:

Ms. Joanna Korner

Counsel for the Accused:

Ms. Sanja Turlakov, for Momčilo Gruban
Mr. Thomas Moran, for Duško Knežević

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 “Prosecution’s Motion for Protective Measures for Victims and Witnesses” filed by the Office of the Prosecutor (“Prosecution”) on 28 May 2002 (“Motion”), seeking orders prohibiting the disclosure of confidential materials by the accused, Duško Knežević, to the public and to the media, and authorising redaction by the Prosecution of the current whereabouts of Prosecution witnesses and other individuals named therein from the material due to be disclosed to the accused, Duško Knežević, pursuant to Rule 66 (A)(i) of the Rules of Procedure and Evidence of the International Tribunal (“Rules”),

NOTING that the time permitted for the accused, Duško Knežević, to respond to the Motion has now passed and no objection has been raised to the protective measures sought,

NOTING, however, that counsel was only assigned to the accused Duško Knežević on 10 June 2002,

NOTING also that the Prosecution does not seek to delay disclosure of, or redact information as to, the identity of the witnesses and others referred to in the material to be disclosed,

CONSIDERING that Article 20 of the Statute of the International Tribunal (“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 of the Statute to a fair and public hearing,

CONSIDERING that Article 22 of the Statute requires the International Tribunal to provide in its Rules of Procedure and Evidence (“Rules”) for the protection of victims and witnesses,

CONSIDERING the provisions of Rules 53 and 75 of the Rules concerning non-disclosure and the protection of witnesses,

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 remaining consistent with the rights of the accused,

PURSUANT TO Articles 20, 21, and 22 of the Statute, and Rules 53 and 75 of the Rules,

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

- (1) the accused, his counsel, and their representatives (“the Knežević Defence”) shall not disclose to the public, to the media or to family members and associates the identity, whereabouts or any other identifying information of witnesses, except for reasons related to the preparation of the case;
- (2) the Knežević Defence shall not disclose to the public, to the media or to family members and associates the substance, in part or in whole, of the witness statements and other materials disclosed by the Prosecution pursuant to the Rules, except for reasons related to the preparation of the case;
- (3) the Knežević Defence shall instruct those persons who receive a copy of the statements or other materials not to reproduce them and to return the said documents as soon as they are no longer required;
- (4) if a member of the Knežević Defence withdraws from the case, all material in his or her possession pertaining to the case shall be returned to the lead defence counsel;
- (5) the Prosecution may, with respect to its obligations of disclosure under Rule 66 (A)(i) and (ii), redact from the supporting material which

accompanied the indictment when confirmation was sought, and from the statements of the witnesses it intends to call to testify at trial:

- (a) any information which discloses the current whereabouts of the maker of any such document and/or his or her family;
 - (b) any information contained within such documents which discloses the current whereabouts of other individuals named within them who have made witness statements which the Prosecution has already disclosed or which it intends to disclose;
 - (c) any information contained within such documents which discloses the current whereabouts of other individual who are named in such documents, other than those individuals who are described in any document as having been present at any of those events referred to in the documents which are or which may be relevant to the issues in the trial; and
 - (d) the personal identification number given to citizens of the former Yugoslavia which appears on statements taken by the Bosnian authorities;
- (6) subject to further Order, the pre-trial Judge shall determine the appropriate time for disclosure of the redacted information to the Knežević Defence; and
- (7) counsel for the accused, Duško Knežević, may, within fourteen days of assignment, file a response to the Motion raising objections, if any, for further consideration by the Trial Chamber.

For the purposes of this order, the term “public” means and includes all persons, governments, organisations, entities, clients, associations and groups, other than the Judges of the International Tribunal and the staff of the Registry, the Prosecutor, and the Defence. The “public” specifically includes, without limitation, families, friends,

and associates of the accused; the accused 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 thirteenth day of June 2002
At The Hague
The Netherlands

[Seal of the Tribunal]