



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: 21 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: 21 June 2002

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

**DECISION ON PROSECUTION MOTIONS TO CALL ADDITIONAL WITNESSES AND
FOR ORDERS FOR PROTECTIVE MEASURES**

The Office of the Prosecutor

Mr. Geoffrey Nice

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 ("the International Tribunal"),

BEING SEISED of a "Prosecution's Application for Admission of Witness Statements under Rule 92*bis* and for Variation of the Order of 11 January 2002" filed by the Office of the Prosecutor ("Prosecution") on 2 May 2002, as subsequently varied by the Prosecution, seeking, *inter alia*, permission to call witnesses not on the Rule 65*ter* witness list, two confidential *ex parte* Prosecution Motions for protective measures filed by the Prosecution on 31 May 2002 (together "the Motions") in respect of two proposed new witnesses identified by the Prosecution in the Motions as K34 and K38,

BEING SEISED also of a confidential "Motion for Leave to Call 'Witness K34'" and a confidential "Motion for Leave to Call 'Witness K38'" both filed by the Prosecution on 14 June 2002,

NOTING the submissions of the Prosecution filed on 20 June 2002 in response to the Order of the Trial Chamber for further submissions issued on 13 June 2002,

CONSIDERING the reasons given by the Prosecution for the late inclusion of these witnesses,

CONSIDERING that the Trial Chamber is satisfied that it is in the interests of justice to permit the Prosecution to call the witnesses designated as K24, K30, K31 and K34 but that it is not satisfied on the information currently before it that it would be in the interests of justice to admit the witnesses designated as K38,

CONSIDERING that the protective measures sought in respect of the four witnesses to be called are reasonable and should be granted,

PURSUANT TO Rules 73*bis*, 75 and 92*bis* of the Rules,


HEREBY ORDERS as follows:

- (1) The statements of the Witnesses identified as K24 and K31 are admitted pursuant to Rule 92bis, and the witnesses identified as K24 and K31 shall be called for the purpose of cross-examination;
- (2) The Prosecution may call the witnesses identified as K30 and K34 in relation to the Kosovo part of the proceedings;
- (3) The Prosecution shall establish the relevance and admissibility of the testimony of the witness identified as K38, and the Trial Chamber will consider the admissibility of his evidence together with the financial evidence, which should not to be dealt with in the Kosovo part of the proceedings;
- (4) The Prosecution may refer to the witnesses identified as K24, K30, K31, K34 and K38 («the Protected Witnesses») by that pseudonym when referring to the Protected Witnesses in all proceedings before the International Tribunal and in discussions among the parties;
- (5) The Prosecution shall disclose the name and other redacted information of each of the Protected Witnesses to the *amici curiae* and to the accused not less than 20 days before the witness is expected to testify;
- (6) The Prosecution may redact the current whereabouts of the Protected Witnesses from all material disclosed to the accused and to the *amici curiae*;
- (7) The public and the media may not photograph, video-record or sketch the Protected Witnesses while they are on the premises of the International Tribunal;
- (8) All hearings to consider the issue of protective measures for the Protected Witnesses shall be held in closed session and only released to the public and to the media after review by the Prosecution, in consultation with the Victims and Witnesses Section;
- (9) All material pertaining to the Protected Witnesses shall be returned to the Registry following the close of this proceeding;
- (10) All provisions of this Decision shall apply equally to the *amici curiae*;
- (11) The name and other identifying data of the Protected Witnesses, including his or her whereabouts, shall not be disclosed to the public;
- (12) The name, address, whereabouts of and identifying data concerning the Protected Witnesses shall be sealed and not included in any public records of the International Tribunal;
- (13) To the extent that the name, address, whereabouts or other identifying data concerning the Protected Witnesses are contained in existing public documents of the International Tribunal, that information shall be expunged from those documents; and

- (14) Documents of the International Tribunal identifying the Protected Witnesses shall not be disclosed to the public or the media.

For the purpose of this decision, “the public” means and includes all persons, governments, organisations, entities, clients, associations and groups, other than the Judges of the International Tribunal, the staff of the Registry, the Prosecutor, and the accused and the *amici curiae*. “The public” also includes, without limitation, families, friends, and associates of the accused; the accused and defence counsel 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 twenty-first day of June 2002
At The Hague
The Netherlands

[Seal of the Tribunal]