



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: 5 July 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:** 5 July 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 (i) the “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; (ii) the confidential *ex parte* “Motion for Protective Measures for Witness K32” filed on 31 May 2002; and (iii) the confidential *ex parte* “Prosecution’s Motion for Protective Measures for Proposed Witnesses ‘K37’ and ‘K39’” filed by the Prosecution on 3 June 2002 (collectively “the Motions”) in respect of three proposed new witnesses identified by the Prosecution in the Motions as K32, K37 and K39,

**NOTING** the confidential “Prosecution’s Motion for Leave to Call Witnesses ‘K32’, ‘K37’ and ‘K39’” filed on 20 June 2002 in response to the Order of the Trial Chamber for further submissions issued on 13 June 2002,

**CONSIDERING** that the Trial Chamber is not satisfied on the information currently before it that it is in the interests of justice to permit the Prosecution to call the witnesses designated as K32, K37 and K39,

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

**THE TRIAL CHAMBER** will determine whether to grant the protective measures sought in the Motions only once:

- (1) the Prosecution has interviewed the proposed witnesses and taken the statements from them; and
- (2) the Prosecution has formed an intention to call the proposed witnesses;

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

  
Richard May  
Presiding

Dated this fifth day of July 2002  
At The Hague  
The Netherlands

[Seal of the Tribunal]