



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 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: 26 July 2002

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

**DECISION ON PROSECUTION MOTION FOR VARIATION OF PROTECTIVE
MEASURES FOR SEVEN SENSITIVE SOURCE WITNESSES**

The Office of the Prosecutor

Mr. Geoffrey Nice
Mr. Dirk Ryneveld

Ms. Hildegard Uertz-Retzlaff
Mr. Dermot Groome

The Accused

Slobodan Milošević

Amici Curiae

Mr. Steven Kay, QC
Mr. Branislav Tapušković
Prof. Mischa 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 a confidential and *ex parte* "Prosecution Motion for Variation of Protective Measures for Seven Sensitive Source Witnesses", filed by the Office of the Prosecutor ("Prosecution") on 19 July 2002 ("the Motion"), in which the Prosecution seeks variation of orders made by the Trial Chamber in two previous Decisions¹ with respect to seven sensitive source witnesses, as follows:

- (a) Order (b) of the First Decision and order (b) of the Second Decision be varied to relieve the Prosecution from the obligation imposed by those orders for it to disclose the statements of the identified witnesses, and exhibits which may be disclosed through those witnesses, redacted so as to remove identifying information, to the Accused, his appointed associates and the *amici curiae* by 26 July 2002; and
- (b) These orders be varied for seven witnesses identified as C-028, C-036, B-049, B-073, B-150, B-151 and B-152 (granted protective measures in the First and Second Decisions) on the basis that almost all the information in their statements would identify them and that almost all meaningful information in their statements would have to be redacted out, and that the ongoing security arrangements for five of the witnesses are not yet complete,

NOTING the exceptional protective measures granted with respect to these witnesses on the basis of the security risks they and/or their families face, the relevance of the testimony it is said they will give and fact that the accused will not be unfairly prejudiced in the preparation of his defence with respect to the evidence of these witnesses,

CONSIDERING that the statements of these witnesses in redacted form would not be of great assistance to the accused in preparing for the testimony of the witnesses and that they are relatively few in number (seven of the 40 sensitive source witnesses granted extraordinary protective measures by the Trial Chamber),

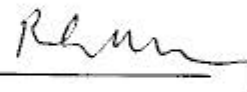
¹ "First Decision on Prosecution Motion for Protective Measures for Sensitive Source Witnesses", 3 May 2002 ("First Decision"), and "Second Decision on Prosecution Motion for Protective Measures for Sensitive Source Witnesses", 18 June 2002 ("Second Decision").
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PURSUANT TO RULES 69, 75 and 54 of the Rules of Procedure and Evidence of the International Tribunal

HEREBY GRANTS the Prosecution Motion and varies order (b) in both the First Decision and the Second Decision so as to relive the Prosecution from its obligation to disclose the statements of the seven identified witnesses, and exhibits which may be disclosed through those witnesses, redacted so as to remove identifying information, to the Accused, his appointed associates and the *amici curiae* by 26 July 2002.

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



Richard May
Presiding

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

[Seal of the Tribunal]