



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: 16 October 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: 16 October 2002

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

**DECISION ON EIGHTH PROSECUTION MOTION FOR PROTECTIVE MEASURES
FOR SENSITIVE SOURCE WITNESSES TESTIFYING DURING THE
CROATIA PHASE OF THE TRIAL**

The Office of the Prosecutor

Ms. Carla Del Ponte
Mr. Geoffrey Nice
Mr. Dermot Groome

The Accused

Slobodan Milošević

Amici Curiae

Mr. Steven Kay, QC
Mr. Branislav Tapušević
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* “Eighth Prosecution Motion for Protective Measures for Sensitive Source Witnesses Testifying During the Croatia Phase of the Trial ” filed on 15 October 2002 (“the Eighth Motion”), in which the Prosecution seeks the protective measures of face distortion and pseudonym for two witnesses identified as C-020 and C-1141, and the protective measures of face distortion, voice distortion and pseudonym for a witness identified as C-036, and attaches reasons for the requests,

NOTING that the two witnesses identified as C-020 and C-036 have already been granted an order that they be referred to by those pseudonyms,

NOTING that the legal basis upon which a decision will be made concerning trial related protective measures is set out in the Trial Chamber’s “Decision on Prosecution Motion for Protective Measures for Sensitive Source Witnesses Testifying During the Croatia Phase of the Trial ” issued on 30 July 2002,

NOTING that the witness identified in the Eighth Motion as C-020 will give important evidence concerning crimes alleged to have been committed by Arkan’s Tigers and the SNB in Eastern Slavonia and that, as an insider witness, he is at risk from former members of these two bodies if it becomes known that he has testified,

NOTING that the witness identified in the Eighth Motion as C-036 will give important evidence concerning the relationship between the accused and other alleged co-perpetrators and their involvement in crimes alleged in the indictment, and that the witness has been subjected to intimidation and threats in the past,

NOTING that the witness identified in the Eighth Motion as C-1141, whilst a crime base and not a sensitive source witness, will give important evidence concerning the massacre alleged to have taken place in Baćin, and that the witness and his family have been subjected to threats in the past,

CONSIDERING that the reasons provided in support of the request for protective measures satisfy the Trial Chamber that it would be appropriate to grant the protective measures sought,

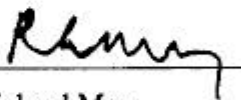
CONSIDERING FURTHER that the measures sought do not infringe upon the accused's right to a fair and public trial,

PURSUANT TO Rule 75 of the Rules of Procedure and Evidence

HEREBY GRANTS THE MOTION AND ORDERS AS FOLLOWS:

- (1) The witness identified as C-020 may testify with the protective measure of face distortion;
- (2) The witness identified in the Motion as C-1141 may testify with the protective measure of face distortion and shall be referred to by that pseudonym; and
- (3) The witness identified as C-036 may testify with the protective measures of face distortion and voice distortion.

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


Richard May
Presiding

Dated this sixteenth day of October 2002
At The Hague
The Netherlands

[Seal of the Tribunal]