



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: 31 March 2003
Original: English

IN THE TRIAL CHAMBER

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

Registrar: Mr. Hans Holthuis

Order of: 31 March 2003

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

**DECISION ON CONFIDENTIAL PROSECUTION MOTION FOR TRIAL RELATED
PROTECTIVE MEASURES FOR WITNESS B-1493 WITH CONFIDENTIAL AND *EX*
*PARTE ANNEXE***

The Office of the Prosecutor

Mr. Geoffrey Nice

The Accused

Slobodan Milošević

Amicus Curiae

**Mr. Steven Kay
Mr. Branislav Tapušković
Mr. Timothy McCormack**

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 Confidential Prosecution Motion for Trial Related Protective Measures for Witness B-1493 with Confidential and *ex parte* Annexe (“Motion”), filed by the Office of the Prosecutor (“Prosecution”) on 20 March 2003, seeking permission to call a witness under protective measures,

NOTING that the protective measures sought in respect of witness B-1493 to be called, as set out in the Motion and its annexe are reasonable and should be granted,

CONSIDERING that the Trial Chamber is satisfied that it is in the interests of justice to permit the Prosecution to call the witness designated as B-1493,

PURSUANT TO Rule 75 of the Rules of Procedure and Evidence,

HEREBY ORDERS as follows:

- (1) The testimony of witness B-1493 shall be given by means of facial distortion and the continued use of the pseudonym;
- (2) The public and the media may not photograph, video-record or sketch the Protected Witness while they are on the premises of the International Tribunal;
- (3) All hearings to consider the issue of protective measures for the Protected Witness 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;
- (4) All material pertaining to the Protected Witness shall be returned to the Registry following the close of this proceeding;
- (5) All provisions of this Decision shall apply equally to the *amici curiae*;
- (6) The name and other identifying data of the Protected Witness, including his/her whereabouts, shall not be disclosed to the public;
- (7) The name, address, whereabouts of and identifying data concerning the Protected Witness shall be sealed and not included in any public records of the International Tribunal;
- (8) To the extent that the name, address, whereabouts or other identifying data concerning the Protected Witness are contained in existing public documents of the International Tribunal, that information shall be expunged from those documents; and

- (9) Documents of the International Tribunal identifying the Protected Witness 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 thirty-first day of March 2003
At The Hague
The Netherlands

[Seal of the Tribunal]