



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: 30 June 2003
Original: English

IN THE TRIAL CHAMBER

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

Registrar: Mr. Hans Holthuis

Decision of: 30 June 2003

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

**DECISION ON CONFIDENTIAL *EX PARTE* PROSECUTION MOTION
FOR PROTECTIVE MEASURES FOR WITNESSES TESTIFYING DURING
THE CROATIA PHASE OF THE TRIAL**

The Office of the Prosecutor

Mr. Geoffrey Nice
Ms. Hildegard Uertz-Retzlaff
Mr. Dermot Groome

The Accused

Mr. 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 (“International Tribunal”),

BEING SEISED of a “Confidential *Ex Parte* Prosecution Motion for Protective Measures for Witnesses Testifying During the Croatia Phase of the Trial”, filed by the Office of the Prosecutor (“Prosecution”) on 26 June 2003 (“Motion”), seeking permission to call Prosecution Witnesses C-006 and C-1126 (“protected witnesses”) under protective measures,

NOTING that the protective measures sought in respect of the protected witnesses to be called, as set out in the Motion, 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 protected witnesses,

PURSUANT TO Rules 69, 75 and 79 of the Rules of Procedure and Evidence of the International Tribunal,

HEREBY ORDERS as follows:

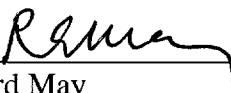
- (1) The testimony of Prosecution Witness C-006 shall be given by means of image distortion and the continued use of the pseudonym;
- (2) The testimony of Prosecution Witness C-1126 shall be given by means of image and voice distortion and the continued use of the pseudonym;
- (3) The public and the media may not photograph, video-record or sketch the protected witnesses while on the premises of the International Tribunal;
- (4) 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;

- (5) All material pertaining to the protected witnesses shall be returned to the Registry following the close of this proceeding;
- (6) All provisions of this Decision shall apply equally to the *amici curiae*;
- (7) The names and other identifying data of the protected witnesses, including their whereabouts, shall not be disclosed to the public;
- (8) Should it become necessary during the course of the testimonies to give information that may tend to identify the whereabouts or identities of the protected witnesses or those of their families, private sessions shall be granted for those parts of their testimonies;
- (9) The names, addresses, whereabouts and identifying data of the protected witnesses shall be sealed and not included in any public records of the International Tribunal;
- (10) To the extent that the names, addresses, whereabouts and other identifying data of the protected witnesses are contained in existing public documents of the International Tribunal, such information shall be expunged from those documents; and
- (11) 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 thirtieth day of June 2003
At The Hague
The Netherlands

[Seal of the Tribunal]