



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 July 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 July 2003

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

**DECISION ON PROSECUTION MOTION FOR PROTECTIVE MEASURES
FOR WITNESS B-174**

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 (“the International Tribunal”),

BEING SEISED of an oral motion made by the Office of the Prosecutor (“Prosecution”) in private session on 28 July 2003, seeking the protective measures of use of pseudonym and image- and voice distortion (“Motion”),

NOTING a partly confidential and *ex parte* “Prosecution’s Third Omnibus Motion for Leave to Amend the Witness List and Request Protective Measures for Sensitive Source Witnesses”, filed by the Prosecution on 23 June 2003, the partly confidential and *ex parte* “Supplemental Filing to the Prosecution’s Third Omnibus Motion for Leave to Amend the Witness List and Request Protective Measures For Sensitive Source Witnesses”, filed by the Prosecution on 25 June 2003, and the “Amici Curiae Observations on Prosecution’s Third Omnibus Motion for Leave to Amend the Witness List and Request Protective Measures for Sensitive Source Witnesses”, filed by the *amici curiae* on 27 June 2003,

NOTING the Trial Chamber’s “Decision on Prosecution’s Third Omnibus Motion for Leave to Amend the Witness List and Request Protective Measures for Sensitive Source Witnesses”, issued 08 July 2003,

NOTING that the protective measures sought in respect of Witness B-174, 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 grant the relief requested in the Motion,

HAVING GRANTED the Motion orally on 28 July 2003,

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

HEREBY CONFIRMS ITS ORDER as follows:

- (1) The testimony of Witness B-174 shall be given with the use of the pseudonym and image- and voice-distortion;

- (2) The name, address, whereabouts of and identifying data concerning Witness B-174 shall be sealed and not included in any of the public records of the International Tribunal;
- (3) To the extent that the name, address, whereabouts or other identifying data concerning Witness B-174 are contained in existing public documents of the International Tribunal, that information shall be expunged from those documents;
- (4) Documents of the International Tribunal identifying Witness B-174 shall not be disclosed to the public or the media;
- (5) The public and the media may not photograph, video-record or sketch Witness B-174 while on the premises of the International Tribunal;
- (6) All material pertaining to Witness B-174 shall be returned to the Registry following the close of this proceeding; and
- (7) All provisions of this Decision shall apply equally to the *amici curiae*.

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 July 2003
At The Hague
The Netherlands

[Seal of the Tribunal]