



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: 11 March 2004

Original: ENGLISH

IN THE TRIAL CHAMBER

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

Registrar: Mr. Hans Holthuis

Order of: 11 March 2004

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

**ORDER ON PROSECUTION MOTION FOR TRIAL RELATED
PROTECTIVE MEASURES FOR RULE 92 *BIS* WITNESSES ADMITTED
WITHOUT CROSS-EXAMINATION**

The Office of the Prosecutor

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

The Accused

Mr. Slobodan Milošević

Amici Curiae

Mr. Steven Kay, QC
Prof. Timothy L.H. 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 Prosecution Motion for Trial Related Protective Measures for 92 *bis* Witnesses Admitted Without Cross-Examination and *Confidential and Ex Parte Annexe*”, filed 25 February 2004, in which the Prosecution seeks protective measures (pseudonyms and publicly redacted transcripts or statements) for witnesses B-1695, B-1756, B-1613 and B-1462, whose testimony has been admitted into evidence without cross-examination in these proceedings,

CONSIDERING that the protective measures sought in respect of the witnesses B-1756, B-1613 and B-1462, as set out in the Motion, are reasonable and appropriate for the protection of the witnesses and the families of the witnesses,

CONSIDERING that the Trial Chamber is satisfied that the measures sought in respect of these witnesses are consistent with the rights of the Accused,

CONSIDERING HOWEVER that the Trial Chamber is not satisfied that the protective measures sought in respect of witness B-1695 are justified, given that the witness testified in open session in the *Brdanin* case and that it is only his testimony from those proceedings that has been admitted into evidence in this case pursuant to Rule 92 *bis* (D),

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

HEREBY ORDERS as follows:

- (1) The application in respect of witness B-1695 is denied;
- (2) The application in respect of witnesses B-1756, B-1613 and B-1462 is granted, and
 - (a) These witnesses shall be identified by those pseudonyms;
 - (b) The names, addresses, whereabouts of and identifying data concerning these witnesses shall be sealed and not included in any of the public records of the International Tribunal;
 - (c) To the extent that the name, address, whereabouts or other identifying data concerning these witnesses are contained in existing public documents of the

International Tribunal, that information shall be expunged from those documents;

- (d) Documents of the International Tribunal identifying these witnesses shall not be disclosed to the public or the media; and
- (e) The names of these witnesses or other identifying data concerning the witnesses shall not be disclosed by the Accused, his legal associates or the *amici curiae* to the public or media.

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



Judge Robinson
Presiding

Dated this eleventh day of March 2004
At The Hague
The Netherlands

[Seal of the Tribunal]