



International Tribunal for the  
Prosecution of Persons  
Responsible for Serious Violations of  
International Humanitarian Law  
Committed in the Territory of  
Former Yugoslavia since 1991

Case No. IT-02-65-PT  
Date: 20 April 2004  
Original: ENGLISH

**IN THE TRIAL CHAMBER**

**Before:** Judge Patrick Robinson, Presiding  
Judge O-Gon Kwon  
Judge Bert Swart

**Registrar:** Mr. Hans Holthuis

**Decision of:** 20 April 2004

**PROSECUTOR**

v.

**ŽELJKO MEJAKIĆ  
MOMČILO GRUBAN  
DUŠAN FUŠTAR  
DUŠKO KNEŽEVIĆ**

***PUBLIC REDACTED VERSION***

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**DECISION ON MOTIONS TO REMOVE PHOTOGRAPHS OF  
ACCUSED FROM ICTY WEBSITE**

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**The Office of the Prosecutor:**

Ms. Joanna Korner  
Ms. Ann Sutherland

**Counsel for the Accused:**

Mr. Jovan Simić, for Željko Mejačić  
Ms. Sanja Turlakov, for Momčilo Gruban  
Mr. Theodore Scudder and Mr. Dragan Ivetić, for Dušan Fuštar  
Ms. Slobodanka Nedić, for Duško Knežević

**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 “Duško Knežević’s Request for Removing his Photograph from the ICTY Website” filed confidentially on 27 February 2004 and of “Željko Mejković’s Request for Removing his Photograph from the ICTY Website, filed on 8 March 2004 (together “the Motions”), in which the two accused object to the publication of their photographs on the Bosnian/Croatian/Serbian language page of the internet website of the International Tribunal,

**NOTING** the responses of the Office of the Prosecutor (“Prosecution”) to the Motions filed on 1 and 9 March 2004 respectively, in which the Prosecution raised no objection to the relief sought,

**NOTING** the comments of the Deputy Registrar of the International Tribunal filed on 25 March 2004 in response to an invitation issued by the Trial Chamber on 17 March 2004 to comment on the Motions, and the reply to the Deputy Registrar’s comments filed on behalf of Duško Knežević on 30 March 2004,

**CONSIDERING** the arguments put forward by the accused in support of the Motions, [REDACTED]

**CONSIDERING** that the potential impact of pre-trial media coverage is a factor to be taken into account in considering the reliability of witnesses in all trials before the International Tribunal and is therefore a matter for consideration at trial<sup>1</sup> and not a matter for determination by the Trial Chamber at this stage of the proceedings,

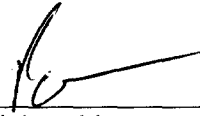
**CONSIDERING** also that the matters raised in the Motions relate more properly to the functioning of the International Tribunal and are thus within the purview of the Bureau of the International Tribunal, pursuant to Rule 23 of the Rules of Procedure and Evidence of the International Tribunal,

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<sup>1</sup> *Prosecutor v. Duško Tadić*, Case No. IT-94-1, Opinion and Judgment, 7 May 1997, paras 542-44, *Prosecutor v. Simić et al.*, Case No. IT-95-5, Decision on Joint Defence Motion to Exclude Evidence, 1 Aug. 2002.

**HEREBY DISMISSES** the Motions.

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



Patrick Robinson  
Presiding

Dated this twentieth day of April 2004  
At The Hague  
The Netherlands

[Seal of the Tribunal]