



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-05-87-T

Date: 17 August 2006

Original: English

**IN THE TRIAL CHAMBER**

**Before:** Judge Iain Bonomy, Presiding  
Judge Ali Nawaz Chowhan  
Judge Tsvetana Kamenova

**Registrar:** Mr. Hans Holthuis

**Order of:** 17 August 2006

**PROSECUTOR**

v.

**MILAN MILUTINOVIĆ  
NIKOLA ŠAINOVIĆ  
DRAGOLJUB OJDANIĆ  
NEBOJŠA PAVKOVIĆ  
VLADIMIR LAZAREVIĆ  
SRETEN LUKIĆ**

**ORDER ON PROSECUTION MOTION FOR ADDITIONAL TRIAL-RELATED  
PROTECTIVE MEASURES FOR WITNESSES K62 AND K63**

**Office of the Prosecutor**

Mr. Thomas Hannis  
Mr. Chester Stamp  
Ms. Christina Moeller  
Ms. Patricia Fikirini  
Mr. Mathias Marcussen

**Counsel for the Accused**

Mr. Eugene O'Sullivan and Mr. Slobodan Zečević for Mr. Milan Milutinović  
Mr. Toma Fila and Mr. Vladimir Petrović for Mr. Nikola Šainović  
Mr. Tomislav Višnjić and Mr. Norman Sepenuk for Mr. Dragoljub Ojdanić  
Mr. John Ackerman and Mr. Aleksander Aleksić for Mr. Nebojša Pavković  
Mr. Mihajlo Bakrač and Mr. Đuro Čepić for Mr. Vladimir Lazarević  
Mr. Branko Lukić and Mr. Dragan Ivetić for Mr. Sreten Lukić

**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 (“Tribunal”);

**BEING SEIZED OF** the “Prosecution Motion for Additional Trial Related Protective Measures for Witnesses K 62 and K 63 with Confidential Annex A”, filed on 10 August 2006 (“Motion” and “Annex A”, respectively), which seeks certain trial-related protective measures for witnesses K62 and K63 (collectively, “Protected Witnesses”);

**NOTING** that the Motion specifically seeks voice and image distortion for both witnesses during their live testimony before the Tribunal, and also seeks an order stating that portions of the testimony of witness K62 may be given in private session;

**NOTING** that the particular circumstances of the Protected Witnesses that support the Prosecution’s request for these protective measures are set out in Annex A;

**NOTING** that previous indications by the Prosecution were that these witnesses would testify during the week beginning 21 August 2006;<sup>1</sup> that the witnesses are now expected to give evidence imminently;<sup>2</sup> and that the Motion was filed a few days before the beginning of the period during which these witnesses are expected to testify;

**CONSIDERING** that, in this instance, the Defence teams have indicated that there are no objections to the protective measures sought in the Motion;

**CONSIDERING** that the Prosecution, as the moving party, has satisfied its burden of demonstrating that the protective measures should be granted;

**NOTING** that, pursuant to Rule 75 of the Rules of Procedure and Evidence of the Tribunal (“Rules”), the other protective measures previously granted in connection with these witnesses<sup>3</sup> remain in force;

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<sup>1</sup> See *Prosecutor v. Milutinović, Šainović, Ojdanić, Pavković, Lazarević, and Lukić*, Case No. IT-05-87-T, Revised Prosecution Notification of Witness [*sic*] for August 2006, 14 July 2006, p. 3.

<sup>2</sup> See Motion, para. 1 (noting that these witnesses are listed in the “weekly witness notification for the trial week commencing 14 August 2006”).

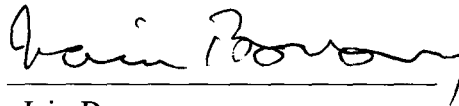
<sup>3</sup> See Motion, para. 1; *Prosecutor v. Milutinović, Ojdanić, and Šainović*, Case No. IT-99-37-PT, Decision on Prosecution’s Motions for Protective Measures, 17 July 2003, pp. 5–7.

**PURSUANT TO** Rules 54 and 75 of the Rules;

**HEREBY ORDERS AS FOLLOWS:**

1. Witnesses K62 and K63 may testify with the use of image and voice distortion.
2. Witness K62 may testify about the matters set forth in Annex A in private session.
3. The Registrar is directed to make all the necessary arrangements to ensure that these protective measures are in place for the testimony of these witnesses.

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



Iain Bonomy  
Presiding

Dated this seventeenth day of August 2006  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**