



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

Decision of: 17 August 2006

PROSECUTOR

v.

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

**DECISION ON PROSECUTION MOTION FOR ADDITIONAL TRIAL-RELATED
PROTECTIVE MEASURE FOR WITNESS K73**

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 Alekšić 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”) is seised of the “Prosecution Motion for Additional Trial Related Protective Measures for Witness K73 with Confidential Annex A”, filed on 11 August 2006 (“Motion”), which seeks the protective measure of image distortion for Witness K73 (“Protected Witness”) during his live testimony before the Tribunal, and hereby renders its decision thereon.

1. The Trial Chamber notes that the particular circumstances of the Protected Witness that support the Prosecution’s request for this protective measure are set out in Annex A. The Chamber considers that the Prosecution has satisfied its burden of demonstrating that the requested protective measure should be granted, and notes that the Defence teams have indicated that there are no objections to the protective measure sought in the Motion.

2. The Chamber also notes 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 this witness shall remain in force.¹

3. Pursuant to Rules 54 and 75 of the Rules of Procedure and Evidence, the Trial Chamber **HEREBY ORDERS** as follows:

- (a) Witness K73 may testify with the use of image distortion.
- (b) The Registrar is directed to make all the necessary arrangements to ensure that this protective measure is in place for the testimony of this witness.

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

Judge Iain Bony
Presiding

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

[Seal of the Tribunal]

¹ See Motion, para. 1; *Prosecutor v. Milutinović, Šainović, Ojdanić, Pavković, Lazarević, and Lukić*, Case No. IT-05-87-T, Decision on Prosecution Sixth Motion for Protective Measures, 1 June 2006, pp. 9–10.