



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: 15 September 2006
Original: English

IN THE TRIAL CHAMBER

Before: Judge Iain Bonomy, Presiding
Judge Ali Nawaz Chowhan
Judge Tsvetana Kamenova
Judge Janet Nosworthy, Reserve Judge

Registrar: Mr. Hans Holthuis

Order of: 15 September 2006

PROSECUTOR

v.

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

**ORDER 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 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”) is seised of a partially confidential “Prosecution Motion for Further Additional Trial Related Protective Measure for Witness K73 with Confidential Annex A”, filed 11 September 2006 (“Motion”), and renders its decision thereon.

1. In the Motion, the Prosecution requested the additional protective measure of closed session testimony for witness K73. On 13 September 2006, the Chamber heard oral argumentation, during which the Defence opposed and after which the Chamber granted the Motion, as follows:

JUDGE BONOMY: We are satisfied that K-73’s persistent concern and anxiety about the security of relatives is justified on the basis of the material presented to us, and for that reason, we will grant the application to hear his evidence in closed session. We have, of course, in the past in this case already reviewed orders of a similar nature when it transpired that perhaps we had been overcautious, and obviously if that were to emerge in this case then the evidence would become public, but as presently advised, we consider that the appropriate course to follow is to hear the evidence in closed session. The effect of that of course is that this evidence cannot be reported outwith this courtroom in any form that is not absolutely essential for the purpose of conducting these proceedings.

2. The Chamber previously had granted the protective measure of image-distortion.¹ In light of the terms of the Chamber’s oral order, this protective measure is no longer necessary, and is rescinded.

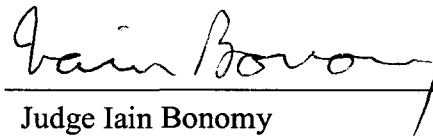
3. The Chamber, pursuant to Rules 54, 75, and 79 of the Rules of Procedure and Evidence of the Tribunal, hereby CONFIRMS its oral ruling and ORDERS as follows:

- (a) The witness shall give evidence in closed session.
- (b) The protective measure of image-distortion is rescinded.
- (c) All other previously granted protective measures for the witnesses remain in force.²

¹ *Prosecutor v. Milutinović et al*, Case No. IT-05-87-PT, Decision on Prosecution Motion for Additional Trial-Related Protective Measure for Witness K-73, 17 August 2006.

² *Prosecutor v. Milutinović et al*, Case No: IT-05-87-PT, Decision on Prosecution Sixth Motion for Protective Measures, 1 June 2006.

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


Judge Iain Bonomy
Presiding

Dated this fifteenth day of September 2006
At The Hague
The Netherlands

[Seal of the Tribunal]