



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: 23 January 2007  
Original: English

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**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

**Decision of:** 23 January 2007

**PROSECUTOR**

**v.**

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

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**DECISION ON PROSECUTION MOTION FOR  
PROTECTIVE MEASURES FOR WITNESS K90**

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**Office of the Prosecutor**

Mr. Thomas Hannis  
Mr. Chester Stamp

**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. Aleksandar 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”) was seised of a partly confidential “Prosecution Motion for Protective Measures with *Confidential* Annex A,” filed 17 January 2007 (“Motion”), requesting protective measures of pseudonym and image and voice distortion for the witness described in Annex A, and hereby confirms its oral ruling thereon.

1. At the hearing in the above-captioned matter held on 19 January 2007, the Chamber enquired with the Defence regarding whether they had any response to the Motion, and the Defence informed the Chamber that it had decided not to oppose the Motion. Therefore, the Chamber orally granted the Motion.

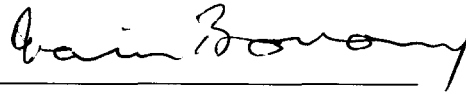
2. The Trial Chamber, pursuant to Rules 53, 54, and 75 of the Rules of Procedure and Evidence of the Tribunal, hereby CONFIRMS its oral ruling and ORDERS as follows:

- (a) Representatives of the public shall not photograph, video-record, or sketch the witness while s/he is on the premises of the Tribunal.
- (b) The witness described in Annex A shall be identified by the pseudonym K90 in all proceedings before the Tribunal and in discussions among the parties.
- (c) Witness K90 shall give his/her testimony with the use of image distortion.
- (d) Witness K90 shall give his/her testimony with the use of voice distortion.
- (e) The parties shall not disclose to the public any protected material, including information and documents, pertaining to this witness except to the limited extent that such disclosure is directly and specifically necessary for the preparation and presentation of the case or the knowledge of the parties. If the parties find it directly and specifically necessary to make disclosures pursuant to this limited purpose, they shall inform each person among the public to whom non-public material or information is shown or disclosed that such person is not to copy, reproduce, or publicise such material or information, and is not to show, disclose, or convey it to any other person. If provided with the original or any copy or duplicate of such material or information, such person shall return it to the party when continued possession of the material or information is no longer necessary for the preparation and presentation of the case.

- (f) Defence counsel, and their representatives and agents who are acting pursuant to their instructions or requests, shall notify the Prosecution of any requested contact with the witness referred to herein, in order to enable the Prosecution to make the necessary arrangements for such contact, in the event the witness agrees to contact with Defence counsel.
- (g) The names, whereabouts, and other identifying information concerning the witness shall be sealed and not included in any public record of the Tribunal. To the extent that the name and other identifying information concerning the witness are contained in existing public documents of the Tribunal, that information shall be expunged from those documents.
- (h) If a member of the Prosecution or Defence team withdraws from the case, all material in his or her possession shall be returned to the person serving as lead counsel for that party at that time.
- (i) All materials pertaining to this witness, including those materials disclosed under subsection (e) above, shall be maintained on a confidential basis, destroyed, or returned to the Registry following the close of the above-referenced proceedings.
- (j) Except as provided for by subsection (e) above, any person who knowingly and wilfully discloses the identifying information of this witness, or any other information sufficient to identify this witness, shall be in violation of this Order, and may be subject to prosecution for contempt of the Tribunal pursuant to Rule 77 of the Rules.
- (k) All provisions of this Decision shall apply equally to the Prosecution; the *Amici Curiae* (where necessary); the Accused and their Defence counsel, co-counsel, and other members of the Defence team; and the public.
- (l) For the purposes of this decision, the “public” means all persons, including corporations; governments and organs/departments thereof; organisations; entities; associations; groups; the Accused’s family members, friends, and associates; accused and defence counsel in other proceedings before the Tribunal; and the media. However, for the purposes of this Decision, the “public” does not mean Judges of the International Tribunal; staff of the Registry and the Office of the Prosecutor; the *Amici Curiae*; or the Accused and their Defence counsel, co-counsel, and other members of the Defence team.

3. The Chamber hereby INSTRUCTS the Registry to take all necessary measures to implement this Decision.

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



Judge Iain Bonomy  
Presiding

Dated this twenty-third day of January 2007  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**