



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-99-36/2-PT
Date: 5 September 2008
Original: English

IN TRIAL CHAMBER II

Before: Judge O-Gon Kwon, Presiding
Judge Kimberly Prost
Judge Ole Bjørn Støle, Pre-Trial Judge
Registrar: Mr. Hans Holthuis
Decision of: 5 September 2008

PROSECUTOR

v.

STOJAN ŽUPLJANIN

PARTLY CONFIDENTIAL

**DECISION ON PROSECUTION'S SUPPLEMENTARY
MOTION FOR PROTECTIVE MEASURES**

The Office of the Prosecutor:

Ms Anna Richterova

Counsel for the Accused:

Mr Tomislav Višnjić

TRIAL CHAMBER II (“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”),

NOTING the “Prosecution Motion for Protective Measures for Victims and Witnesses and Notification of Protective Measures in Force with an *ex parte* Attachment”, filed confidentially by the Prosecution on 11 July 2008 (“Motion for Protective Measures”),

NOTING this Trial Chamber’s “Decision on Prosecution’s Motions for Protective Measures for Victims and Witnesses” filed partly confidentially and *ex parte* on 30 July 2008 (“Decision on Protective Measures”), whereby the Chamber granted protective measures in respect of most of the witnesses listed in the Motion for Protective Measures and requested the Prosecution to inform the Chamber, within 21 days from the issuing of the Decision on Protective Measures, whether it sought a variation of protective measures with respect to the witnesses listed in Annex II to the Decision on Protective Measures,

BEING SEIZED of the “Prosecution’s Supplement to «Prosecution Motion for Protective Measures for Victims and Witnesses and Notification of Protective Measures in Force»“, filed confidentially on 12 August 2008 (“Supplementary Motion”), whereby the Prosecution seeks the continued application of protective measures granted in other proceedings in respect of the witnesses listed in Annex II to the Decision on Protective Measures,

NOTING the Prosecution’s clarification, in response to the Trial Chamber’s request, that the difference between the measures it sought in the Motion for Protective Measures in respect of these witnesses and the measures originally granted in other proceedings resulted from an error,

For the foregoing reasons and reasons set out in the Decision on Protective Measures, pursuant to Articles 20 and 22 of the Statute of the Tribunal and Rules 54, 75 and 79 of the Rules of the Procedure and Evidence (“Rules”), **HEREBY GRANTS** the Supplementary Motion and **CONFIRMS** that previous protective measures granted in other proceedings shall continue to have effect as follows:

- 1) The witnesses listed in the Annex to this Decision shall be permitted to testify with the protective measures indicated in the Annex.
- 2) The witnesses listed in the Annex to this Decision shall be given new pseudonyms, different from those granted to these witnesses in other proceedings before the Tribunal; the new pseudonym for each witness is listed in the Annex. These pseudonyms shall be used whenever referring to the

witnesses in question in the trial and related proceedings before the Tribunal and in discussions among parties to the trial.

- 3) The name, address, whereabouts of, and identifying information concerning each of the witnesses identified in the Annex to this Decision shall be sealed and not included in any public records of the Tribunal.
- 4) To the extent that the name, address, whereabouts of, or other identifying data of the witnesses identified in the Annex to this Decision is contained in existing public records of the Tribunal, that information shall be expunged from those documents.
- 5) All hearings to consider the issue of protective measures for the witnesses identified in the Annex to this Decision shall be held in closed session.
- 6) The public and the media may not photograph, video-record or sketch or in any manner record or reproduce images of the witnesses identified in the Annex to this Decision while they are in the precincts of the Tribunal.

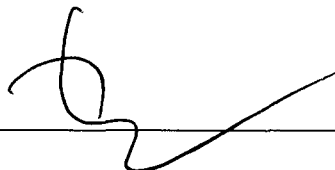
STATES that any breach of this Decision will be dealt with in accordance with Rule 77 (“Contempt of the Tribunal”).

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

Dated this fifth day of September 2008,

At The Hague

The Netherlands

A handwritten signature in black ink, consisting of a large, stylized 'G' followed by a horizontal line and a long, sweeping flourish extending to the right.

Judge O-Gon Kwon
Presiding Judge

[Seal of the Tribunal]