

**UNITED  
NATIONS**



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 Nos.: IT-05-88-A  
IT-95-5/18-T  
Date: 18 July 2013  
Original: English

**IN THE APPEALS CHAMBER**

**Before:** Judge Patrick Robinson, Pre-Appeal Judge

**Registrar:** Mr. John Hocking

**Order of:** 18 July 2013

**PROSECUTOR**

**v.**

**VUJADIN POPOVIĆ  
LJUBIŠA BEARA  
DRAGO NIKOLIĆ  
RADIVOJE MILETIĆ  
VINKO PANDUREVIĆ**

***PUBLIC***

**ORDER RELATING TO RADOVAN KARADŽIĆ'S  
MOTION TO RESCIND PROTECTIVE MEASURES:  
WITNESS MILOMIR SAVČIĆ**

**The Office of the Prosecutor:**

Mr. Peter Kremer QC  
Mr. Alan Tieger  
Ms. Hildegard Uertz-Retzlaff

**Applicant:**

Mr. Radovan Karadžić *pro se*

**Counsel for Appellants:**

Mr. Zoran Živanović and Ms. Mira Tapušević for Vujadin Popović  
Mr. John Ostojić for Ljubiša Beara  
Ms. Jelena Nikolić and Mr. Stéphane Bourgon for Drago Nikolić  
Ms. Natacha Fauveau Ivanović and Mr. Nenad Petrušić for Radivoje Miletić  
Mr. Peter Haynes and Mr. Simon Davis for Vinko Pandurević

**I, PATRICK ROBINSON**, Judge of the Appeals 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”), and Pre-Appeal Judge in the *Popović et al.* case;<sup>1</sup>

**BEING SEISED OF** the “Motion to Rescind Protective Measures: Witness Milomir Savcic [*sic*]”, filed publicly by Radovan Karadžić (“Karadžić”) on 17 July 2013 (“Motion”);

**NOTING** that in the Motion, Karadžić requests that the Appeals Chamber rescind the protective measures granted by Trial Chamber II of the Tribunal in the *Popović et al.* case (“Trial Chamber”) to Witness Milomir Savčić (“Witness”), on the basis that the Witness no longer desires the protective measures to continue in the *Karadžić* case;<sup>2</sup>

**NOTING** that the Trial Chamber granted the protective measure of image distortion to the Witness in an oral decision on 11 September 2007;<sup>3</sup>

**CONSIDERING** that pursuant to Rule 75(F)(i) of the Rules of Procedure and Evidence of the Tribunal (“Rules”), protective measures that have been ordered in respect of a witness in any proceedings before the Tribunal (the “first proceedings”) shall continue to have effect *mutatis mutandis* in any other proceedings before the Tribunal (the “second proceedings”) unless and until they are rescinded, varied or augmented;

**CONSIDERING** that pursuant to Rule 75(G)(i) of the Rules, a party to the second proceedings seeking to rescind, vary, or augment protective measures ordered in the first proceedings must apply to any chamber remaining seized of the first proceedings;

**RECALLING** that when the Appeals Chamber becomes seized of an appeal against a trial judgement, it becomes the chamber “seized of the first proceedings” within the meaning of Rule 75(G)(i) of the Rules;<sup>4</sup>

**CONSIDERING** that the Appeals Chamber is currently seized of the *Popović et al.* case;

<sup>1</sup> *Prosecutor v. Vujadin Popović et al.*, Case No. IT-05-88-A, Order Assigning Judges to a Case Before the Appeals Chamber, 24 June 2010.

<sup>2</sup> Motion, paras 1-2. Although the Prosecution and the Defendants in the *Popović et al.* case herein, namely, Vujadin Popović, Ljubiša Beara, Drago Nikolić, Radivoje Miletić and Vinko Pandurević, have not yet filed responses to the Motion, I find that they will suffer no prejudice from the issuance of this Order.

<sup>3</sup> *Prosecutor v. Popović et al.*, Case No. IT-05-88-T, T. 15223-15225 (closed session) (11 September 2007). See Motion, fn. 1.

<sup>4</sup> Decision on the Prosecution’s Urgent Motion to Rescind Protective Measures for Witness, 7 February 2012, p. 2 and reference cited therein.

**CONSIDERING** that pursuant to Rule 75(J) of the Rules, the Appeals Chamber shall ensure through the Victims and Witnesses Section of the Tribunal (“VWS”) that the protected witness has given consent to the rescission, variation or augmentation of his/her protective measures;

**FINDING** it therefore necessary to consult with the Witness through the VWS in order to determine whether the Witness consents to the rescission of the protective measure of image distortion currently in place for the Witness, in relation to the *Karadžić* case;

**FINDING** further that it is appropriate for VWS to inform the Witness of the implications of rescinding his protective measure of image distortion;


**PURSUANT** to Rules 54, 75 and 107 of the Rules, and for the foregoing reasons,

**INSTRUCT** the VWS to:

- (1) consult with the Witness for the purpose of determining whether he consents to the rescission of his protective measure of image distortion in the *Karadžić* case, and to inform the Witness of the implications of rescinding this protective measure; and
- (2) report as soon as practicable to the Appeals Chamber on the outcome of its consultation.

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

Dated this eighteenth day of July 2013,  
At The Hague,  
The Netherlands.

  
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 Judge Patrick Robinson  
 Pre-Appeal Judge

**[Seal of the Tribunal]**