



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-02-54-T
Date: 26 July 2002
Original: English

IN THE TRIAL CHAMBER

Before: Judge Richard May, Presiding
Judge Patrick Robinson
Judge O-Gon Kwon

Registrar: Mr. Hans Holthuis

Order of: 26 July 2002

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

**DECISION ON PROSECUTION MOTIONS TO CALL ADDITIONAL WITNESS AND
FOR ORDER FOR PROTECTIVE MEASURES**

The Office of the Prosecutor

Mr. Geoffrey Nice

The Accused

Slobodan Milošević

Amicus Curiae

Mr. Steven Kay
Mr. Branislav Tapušković
Mr. Michail Wladimiroff

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 (“the International Tribunal”),

BEING SEISED of a confidential *ex parte* “Prosecution’s Motion for Leave to Call Witness ‘K40’ and for Protective Measures for Witness ‘K40’” filed by the Prosecution on 19 July 2002,

CONSIDERING that the Trial Chamber is satisfied that it is in the interests of justice to permit the Prosecution to call the witness designated as K40,

CONSIDERING that the protective measures sought in respect of the witness to be called are reasonable and should be granted,

PURSUANT TO Rules 73*bis* and 75 of the Rules,

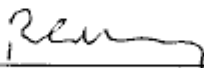
HEREBY ORDERS as follows:

- (1) The Prosecution may call the witness identified as K40;
- (2) The Prosecution may refer to the witness identified as K40 (“the Protected Witness”) by that pseudonym when referring to the Protected Witness in all proceedings before the International Tribunal and in discussions among the parties;
- (3) The Prosecution shall disclose the name and other redacted information of the Protected Witness to the *amici curiae* and to the accused not less than 20 days before the witness is expected to testify;
- (4) The Prosecution may redact the current whereabouts of the Protected Witness from all material disclosed to the accused and to the *amici curiae*;
- (5) The public and the media may not photograph, video-record or sketch the Protected Witness while they are on the premises of the International Tribunal;
- (6) All hearings to consider the issue of protective measures for the Protected Witness shall be held in closed session and only released to the public and to the media after review by the Prosecution, in consultation with the Victims and Witnesses Section;
- (7) All material pertaining to the Protected Witness shall be returned to the Registry following the close of this proceeding;
- (8) All provisions of this Decision shall apply equally to the *amici curiae*;

- (9) The name and other identifying data of the Protected Witness, including his or her whereabouts, shall not be disclosed to the public;
- (10) The name, address, whereabouts of and identifying data concerning the Protected Witness shall be sealed and not included in any public records of the International Tribunal;
- (11) To the extent that the name, address, whereabouts or other identifying data concerning the Protected Witness are contained in existing public documents of the International Tribunal, that information shall be expunged from those documents; and
- (12) Documents of the International Tribunal identifying the Protected Witness shall not be disclosed to the public or the media.

For the purpose of this decision, “the public” means and includes all persons, governments, organisations, entities, clients, associations and groups, other than the Judges of the International Tribunal, the staff of the Registry, the Prosecutor, and the accused and the *amici curiae*. “The public” also includes, without limitation, families, friends, and associates of the accused; the accused and defence counsel in other cases or proceedings before the International Tribunal; the media; and journalists.

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


Richard May
Presiding

Dated this twenty-sixth day of July 2002
At The Hague
The Netherlands

[Seal of the Tribunal]