

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 No. IT-04-75-T
Date: 1 November 2012
Original: English

IN THE TRIAL CHAMBER

Before: **Judge Guy Delvoie, Presiding**
Judge Burton Hall
Judge Antoine Kesia-Mbe Mindua

Registrar: **Mr. John Hocking**

Order: **1 November 2012**

PROSECUTOR

v.

GORAN HADŽIĆ

PUBLIC

ORDER ON REQUESTS FOR PROTECTIVE MEASURES

The Office of the Prosecutor:
Mr. Douglas Stringer

Counsel for Goran Hadžić:
Mr. Zoran Živanović
Mr. Christopher Gosnell

1. **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”) hereby issues this order on requests for trial related protective measures for witnesses to be called by the Prosecution.

2. The Trial Chamber is seised of the “Prosecution Motion for Additional Protective Measures for Witness GH-099”, filed confidentially on 19 October 2012 (“First Motion”) and the “Prosecution Motion for Additional Protective Measures for Witness GH-107”, filed confidentially on 25 October 2012 (“Second Motion”), in which the Prosecution requests that GH-099 be granted the protective measures of image and voice distortion and GH-107 be granted image distortion during their testimony in addition to the pseudonyms currently in effect. The Chamber will issue a decision on the Motions in due course. In the Motions, the Prosecution states that it did not initially request these additional measures because it wished to consult with the witnesses in order to confirm that they still had security concerns.¹

3. During the pre-trial proceedings in this case, the Pre-Trial Judge set a deadline of 19 June 2012 by which the Prosecution was to file any requests for new protective measures or for the variation of existing protective measures for the witnesses it intended to call in this case.² This approach aimed to facilitate the trial proceedings and avoid the litigation of individual protective measures motions in the period immediately before a witness’s testimony. It was made clear to the Prosecution that the protective measures filing of 19 June should include requests for all trial related protective measures, including voice and image distortion and closed session testimony.³

4. The Prosecution has disregarded the express directions of the Pre-Trial Judge in relation to this matter. The Prosecution should have consulted the witnesses prior to the 19 June deadline in order to ascertain whether they required additional trial-related protective measures.

5. The Chamber notes that there are five witnesses scheduled to testify either *viva voce* or pursuant to Rule 92 *ter* who have been granted pseudonyms but do not have the protective measures of voice distortion, image distortion, or closed session testimony.⁴ Four other witnesses have the protective measures of a pseudonym and image distortion, but no voice distortion or closed session testimony.⁵

¹ First Motion, para. 4; Second Motion, para. 4.

² Order on Pre-Trial Work Plan, 16 December 2011, Annex, p. 1.

³ Rule 65 *ter* Conference, 12 June 2012 (confidential), T. 65-68; *see in particular* T. 68; Status Conference, 14 June 2012, T. 34.

⁴ GH-001, GH-025, GH-067, GH-095, GH-132.

⁵ GH-058, GH-071, GH-083, GH-101.

6. Accordingly, the Trial Chamber, pursuant to Articles 20, 21, and 22 of the Statute and Rules 54, 69, 75, and 79, hereby **ORDERS** *ex proprio motu* the Prosecution to:

- (a) ascertain, if it has not already done so, whether witnesses GH-001, GH-025, GH-058, GH-067, GH-071, GH-083, GH-095, GH-101, and GH-132 have any safety concerns that may result in a request for additional trial-related protective measures in this case; and
- (b) file—by no later than 19 November 2012—any requests for additional trial-related protective measures for these witnesses that it considers necessary.

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



Judge Guy Delvoie
Presiding

Dated this first day of November 2012,
At The Hague,
The Netherlands.

[Seal of the Tribunal]