



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: 18 June 2002

Original: ENGLISH

IN THE TRIAL CHAMBER

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

Registrar: Mr. Hans Holthuis

Decision of: 18 June 2002

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

**ORDER FOR THE IMMEDIATE CESSATION OF VIOLATIONS OF
PROTECTIVE MEASURES FOR WITNESSES**

Office of the Prosecutor:

Ms. Carla Del Ponte

The Accused:

Slobodan Milošević

Amicus Curiae

Mr. Steven Kay
Mr. Branislav Tapušković
Mr. Michael Wladimroff

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 (“International Tribunal”),

NOTING the confidential “Prosecution’s Report on K5 and Application for Order” (“Report and Application”) filed by the Office of the Prosecutor (“Prosecution”) on 12 June 2002 following a request by the Trial Chamber on 5 June 2002,

NOTING that the Report and Application shows that the newspaper *Nacional*, published in Belgrade, Federal Republic of Yugoslavia, in its issue of 25 May 2002, published an article disclosing the identity of protected witness K5,

CONSIDERING that, in respect of this particular witness, the Trial Chamber ordered specific protective measures including, *inter alia*, the use of the pseudonym K5 when referring to the witness in public, image and voice distortion during testimony, and that the name and other identifying data of witness K5 shall not to be disclosed to the public,¹

CONSIDERING that it results clearly from the 25 May 2002 issue of the *Nacional* that the authors of the relevant article were perfectly aware, at the time of publication, that K5 was a protected witness,

CONSIDERING that the disclosure of identifying information relating to protected witnesses in knowing violation of an order of the Chamber should cease immediately,

CONSIDERING that those responsible for such breach of an order of the International Tribunal may be found in contempt of the International Tribunal,

¹ *Prosecutor v. Milošević*, Case No. IT-99-37-PT, “Decision on Prosecution’s Motion for Protective Measures”, 4 January 2002; *Prosecutor v. Milošević*, Case No. IT-02-54-T, “Decision on Prosecution’s Second Motion for Specific Protective Measures for Individual Witnesses Testifying During the Kosovo Phase of the Trial”, 22 March 2002.

NOTING that Articles 1(2) and 32 of "The Law on Cooperation of the Federal Republic of Yugoslavia" with the International Tribunal, specifically provides for legal assistance by the competent State organs of the Federal Republic of Yugoslavia, including taking measures to protect witnesses and conducting other activities relevant to proceedings before the International Tribunal,

PURSUANT TO Articles 20, 22 and 29 of Statute of the International Tribunal, and Rules 54, 75, and 77 of the Rules of Procedure and Evidence of the International Tribunal,

HEREBY GRANTS the application and **ORDERS** that the publication of identifying information relating to protected witnesses shall cease immediately,

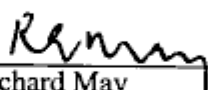
AFFIRMS that any publication of such information shall expose its author(s) and those responsible to be found in contempt of the Tribunal,

REQUESTS that the competent State organs of the Federal Republic of Yugoslavia (including the Republic of Serbia) investigate the matter, take all necessary measures to stop the publication of such confidential information and, within a month, provide the Trial Chamber with a report on the investigation and measures taken,

REQUESTS the Registrar to send a copy of this order to the competent authorities of the Federal Republic of Yugoslavia (including the Republic of Serbia) and to the newspaper *Nacional* as soon as practicable; and,

CALLS UPON the authorities of the Federal Republic of Yugoslavia (including the Republic of Serbia) and upon the Prosecutor to provide the Trial Chamber with any information regarding the identity of those potentially responsible for the disclosure of the identity of witness K5 in violation of protective measures ordered by the Trial Chamber;

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


Richard May
Presiding

Dated this eighteenth day of June 2002
At The Hague
The Netherlands

[Seal of the Tribunal]