

IT-03-69-T  
D 42935 - D 42924  
18 July 2012

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Yes.

**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-03-69-T  
Date: 18 July 2012  
Original: English

**IN TRIAL CHAMBER I**

**Before:** Judge Alphons Orie, Presiding  
Judge Michèle Picard  
Judge Elizabeth Gwaunza

**Registrar:** Mr John Hocking

**Decision of:** 18 July 2012

**PROSECUTOR**

v.

**JOVICA STANIŠIĆ  
FRANKO SIMATOVIĆ**

***PUBLIC***

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**DECISION ON SERBIA'S REQUESTS FOR PROTECTIVE  
MEASURES IN RELATION TO DEFENCE DOCUMENTS**

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**The Government of the Republic of Serbia**

*Per:* The Embassy of the Republic of Serbia  
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Mr Mihajlo Bakrač  
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## I. PROCEDURAL HISTORY

### (i) Stanišić Defence Documents

1. On 26 November 2010, the Republic of Serbia ("Serbia") filed a request ("26 November 2010 Request") for protective measures in relation to a set of documents provided to the Stanišić Defence which were listed in an annex ("26 November 2010 Documents").<sup>1</sup> Serbia requested that these documents be used exclusively in redacted form, even if used in closed session.<sup>2</sup> On 10 December 2010, the Prosecution responded to the 26 November 2010 Request.<sup>3</sup>

2. On 8 April 2011, Serbia filed a request ("8 April 2011 Request") for protective measures in relation to a second set of documents provided to the Stanišić Defence ("8 April 2011 Documents").<sup>4</sup> Serbia requested that some of the documents provided be used only in closed session or, alternatively, that all of the documents at least remain confidential and be used only in redacted form.<sup>5</sup> Redacted versions of the relevant documents were annexed to the request, which provided reasoned proposals for redactions in relation to each of the documents.<sup>6</sup> On 21 April 2011, the Prosecution responded to the 8 April 2011 Request.<sup>7</sup>

3. On 7 September 2011, the Chamber invited Serbia to file reasoned submissions identifying the portions of the 26 November 2010 Documents that should, in its view, be confidential ("7 September 2011 Invitation").<sup>8</sup> On the same day, the Stanišić Defence reported on the status of the 26 November 2010 Documents and the 8 April 2011 Documents (together: "Stanišić Defence Documents").<sup>9</sup> The Chamber refers to its 7 September 2011 Invitation for the procedural history and submissions regarding the provision of non-redacted original versions of these documents.<sup>10</sup>

4. On 28 September 2011, Serbia submitted reasoned proposals for redactions in relation to the 26 November 2010 Documents and provided in annexes the non-redacted original versions of all

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<sup>1</sup> The Republic of Serbia's Request for Protective Measures for the Documents Provided to the Team of Defence from the State Security Agency, 26 November 2010 (Confidential).

<sup>2</sup> 26 November 2010 Request, para. 10.

<sup>3</sup> Prosecution Response to the Republic of Serbia's Request for Protective Measures for Documents Provided to the Defence, 10 December 2010 (Confidential).

<sup>4</sup> The Republic of Serbia's Request for Protective Measures following the Team's Request from 31 January 2011, 8 April 2011 (Confidential).

<sup>5</sup> 8 April 2011 Request, paras 2, 5-6, 11, 13, 16.

<sup>6</sup> 8 April 2011 Request, Annex A, Annex B.

<sup>7</sup> Prosecution Response to Serbia's Request for Protective Measures, 21 April 2011 (Confidential).

<sup>8</sup> Invitation to the Republic of Serbia to File Further Submissions in relation to its Requests for Protective Measures for Documents Provided to the Stanišić Defence, 7 September 2011 (Confidential), para. 11.

<sup>9</sup> Stanišić Defence Submissions in Response to Serbia's Request for Protective Measures of 26 November 2010 and 8 April 2011, 7 September 2011 (Confidential).

<sup>10</sup> 7 September 2011 Invitation, paras 1-6.

Stanišić Defence Documents (“Submission of 28 September 2011”).<sup>11</sup> On 4 October 2011, the Prosecution requested an extension of time to respond.<sup>12</sup> On 6 October 2011, the Chamber notified the parties through an informal communication that the two-week response time would start running from the date of distribution of the annexes to the Submission of 28 September 2011. On 25 November 2011, the Prosecution responded, deferring to the Chamber’s discretion in determining the redactions to the Stanišić Defence Documents.<sup>13</sup>

#### (ii) Simatović Defence Documents

5. On 12 and 15 December 2011, Serbia filed requests for protective measures in relation to documents provided to the Simatović Defence (“Simatović Defence Documents”).<sup>14</sup> Serbia requested that the documents remain confidential and be used only in redacted form.<sup>15</sup> Serbia further requested that exhibit P992 remain under seal until it has had an opportunity to make further submissions.<sup>16</sup> Through informal communications, on 21 December 2011, the Prosecution requested to respond two weeks after the distribution of the annexes to Serbia’s submissions, which the Chamber granted the following day. On 10 January 2012, the Chamber placed P992 provisionally under seal.<sup>17</sup> On 1 March 2012, the Prosecution requested to respond two weeks after the provision of non-redacted original versions of the documents by the Simatović Defence, which the Chamber granted on 5 March 2012. On 27 March 2012, the Simatović Defence notified the parties and the Chamber that it had provided the non-redacted original versions.

6. On 5 April 2012, the Prosecution responded.<sup>18</sup> The Prosecution noted that several irregularities in the redactions proposed by Serbia and the versions of the documents made available by the Simatović Defence presented challenges in evaluating the request.<sup>19</sup> The Prosecution opposed a number of Serbia’s proposed redactions and deferred to the Chamber’s discretion in

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<sup>11</sup> The Republic of Serbia’s Reply to the Trial Chamber’s Invitation to the Republic of Serbia to File Further Submission in relation to Its Requests for Protective Measures for Documents Provided to the Stanišić Defence, 28 September 2011 (Confidential).

<sup>12</sup> Prosecution Request for Extension of Time to Respond to “Serbia’s Further Submission in relation to Its Request for Protective Measures for Documents Provided to the Stanišić Defence, Pursuant to Chamber’s Invitation of 7 September 2011”, 4 October 2011 (Confidential).

<sup>13</sup> Prosecution Response to the Republic of Serbia’s Motions for Protective Measures in relation to Documents Provided to the Stanišić Defence, 25 November 2011 (Confidential) (“25 November 2011 Response”).

<sup>14</sup> The Republic of Serbia’s Request for Protective Measures for Documents Provided to the Defence Team of the Accused Franko Simatović, 12 December 2011 (Confidential) (“12 December 2011 Request”); Further Submission of the Republic of Serbia for Protective Measures for 55 Documents Provided to the Defence Team of the Accused Franko Simatović, 15 December 2011 (“15 December 2011 Request”) (Confidential).

<sup>15</sup> Ibid.

<sup>16</sup> 15 December 2011 Request, para. 8.

<sup>17</sup> T. 15858.

<sup>18</sup> Prosecution Response to the Republic of Serbia’s Request for Protective Measures for Fifty Five Documents Provided to the Simatović Defence, 5 April 2012 (Confidential) (“Response of 5 April 2012”).

<sup>19</sup> Response of 5 April 2012, para. 3.

relation to the remainder.<sup>20</sup> The Prosecution requested that the Chamber invite Serbia to distinguish in future motions between former and active operatives of its state security agency or its predecessors (together: “BIA”).<sup>21</sup> It further requested that the Chamber deny Serbia’s request in relation to P992, noting that Serbia had not made any further submissions.<sup>22</sup>

(iii) Requests for provisional protective measures

7. On 27 March, 27 April, and on 6 and 15 June 2012, Serbia requested provisional protective measures in relation to documents provided to the Stanišić Defence, so as to provide it with an opportunity to make further submissions upon notification by the Defence of its intention to use the documents in the proceedings (“27 March 2012 Request”, “27 April 2012 Request”, “6 June 2012 Request”, and “15 June 2012 Request”, together: “Requests for Provisional Protective Measures”).<sup>23</sup> Serbia requested that, pending a final decision by the Chamber, the documents be provisionally admitted under seal and used only in closed session.<sup>24</sup>

8. On 27 March 2012, the Prosecution responded to the 27 March 2012 Request through an informal communication, deferring to the Chamber’s discretion. On 14 May 2012, the Prosecution sought an extension of time to respond to the 27 April 2012 Request (“Prosecution Request of 14 May 2012”), and filed its response, deferring to the Chamber’s discretion.<sup>25</sup> On 15 June 2012, the Prosecution responded to the 6 June 2012 Request and the 15 June 2012 Request, deferring to the Chamber’s discretion.<sup>26</sup>

<sup>20</sup> Response of 5 April 2012, paras 5-8, 10.

<sup>21</sup> Response of 5 April 2012, paras 5, 10.

<sup>22</sup> Response of 5 April 2012, paras 9-10.

<sup>23</sup> The Republic of Serbia’s Request for Protective Measures for Thirteen Documents Provided to the Defence Team of the Accused Jovica Stanišić Following the Request of the Defence from 20 February 2012, 27 March 2012 (Confidential); The Republic of Serbia’s Request for Protective Measures for Two Documents Provided to the Defence Team of the Accused Jovica Stanišić, 27 April 2012 (Confidential); The Republic of Serbia’s Request for Protective Measures for One Document Provided to the Defence Team of the Accused Jovica Stanišić Following the Request of the Defence, 6 June 2012 (Confidential); The Republic of Serbia’s Request for Protective Measures for Five Documents Provided to the Defence Team of the Accused Jovica Stanišić Following the Request of the Defence, 15 June 2012 (Confidential).

<sup>24</sup> Ibid.

<sup>25</sup> Prosecution Response to the Republic of Serbia’s Request for Protective Measures for Two Documents Provided to the Defence Team of the Accused Jovica Stanišić, 14 May 2012 (Confidential).

<sup>26</sup> Prosecution Response to the Republic of Serbia’s Request for Protective Measures for One Document Provided to the Defence Team of the Accused Jovica Stanišić, 15 June 2012 (Confidential); Prosecution Response to the Republic of Serbia’s Request for Protective Measures for Five Documents Provided to the Defence Team of the Accused Jovica Stanišić, 15 June 2012 (Confidential).

## II. SUBMISSIONS OF THE PARTIES

### (i) Means and methods of the BIA

9. Serbia submits that public disclosure of information contained in the Stanišić Defence Documents and Simatović Defence Documents would reveal the means, methods, capabilities, and capacities of the BIA to potential perpetrators of terrorist acts, thereby endangering Serbia's national security interests.<sup>27</sup> Serbia further submits that such information is classified under national legislation.<sup>28</sup> Serbia submits that the Stanišić Defence Documents contain a high level of processing and provide a chronological overview of measures planned and undertaken by the BIA.<sup>29</sup> Serbia argues that public disclosure of the authors and recipients of certain documents would reveal the BIA's organizational structure and internal chain of reporting.<sup>30</sup> Serbia argues that public disclosure of information revealing that persons were registered in BIA files would inform these persons that they may be subject to monitoring by the BIA, making them more cautious.<sup>31</sup> This would reduce the effectiveness of the BIA's work, thereby jeopardizing Serbia's national security interests.<sup>32</sup> Serbia finally points out that a number of documents contain permanent redactions.<sup>33</sup>

10. The Prosecution does not oppose the redaction of information revealing that an individual was subject to operative processing, or of the file or report number from the Stanišić Defence Documents.<sup>34</sup> The Prosecution defers to the Chamber's discretion regarding the remaining redactions to the Stanišić Defence Documents.<sup>35</sup>

11. In relation to the Simatović Defence Documents, the Prosecution opposes redactions regarding the BIA's organizational structure and internal chain of reporting, arguing that Serbia's request is unsubstantiated, as it has failed to explain how public disclosure of information regarding which departments within the BIA processed or filed the documents would prejudice national security concerns.<sup>36</sup> The Prosecution further submits that it is not clear how Serbia's national

<sup>27</sup> 8 April 2011 Request, paras 9-10; Annex A, pp. 29212, 29192, 29182; Submission of 28 September 2011, Annex C, pp. 34, 55, 73, 93, 149, 179, 253, 281, 309, 325; 15 December 2011 Request, Annex A, pp. 169, 177.

<sup>28</sup> 8 April 2011 Request, para. 7; Annex A, pp. 29212, 29192, 29182; Submission of 28 September 2011, Annex C, pp. 34, 55, 73, 93, 149, 179, 253, 281, 309, 325; 15 December 2011 Request, Annex A, pp. 169, 177..

<sup>29</sup> 8 April 2011 Request, paras 7-8.

<sup>30</sup> 8 April 2011 Request, Annex A, pp. 29212, 29192, 29182, Annex B, pp. 29170, 29167, 29163, 29160; Submission of 28 September 2011, Annex C, pp. 12, 18, 24, 34, 55, 73, 93, 110, 123, 149, 157, 179, 205, 213, 235, 241, 253, 259, 265, 273, 281, 289, 299, 309, 325; 15 December 2011 Request, Annex A, pp. 1, 9, 15, 17, 19, 24, 27, 33, 35, 37, 39, 47, 53, 59, 63, 65, 68, 76, 81, 91, 99, 102, 105, 121, 153, 155, 161, 164, 168, 173, 177, 189, 191, 193, 195.

<sup>31</sup> 15 December 2011 Request, Annex A, pp. 1, 9, 15, 17, 19, 24, 27, 33, 35, 37, 39, 47, 57, 59, 65, 68, 81, 89, 91, 157, 159, 168, 173, 177.

<sup>32</sup> Ibid.

<sup>33</sup> Submission of 28 September 2011, Annex C, pp. 18, 24, 110, 123.

<sup>34</sup> 25 November 2011 Response, para. 3.

<sup>35</sup> 25 November 2011 Response, para. 2.

<sup>36</sup> Response of 5 April 2012, para. 6.

security concerns would presently be affected by revealing that individuals were subject to operative processing which took place over 20 years ago, but defers to the Chamber's discretion regarding the related redactions.<sup>37</sup>

(ii) BIA operatives

12. Serbia submits that public disclosure of the identities of all BIA agents could endanger them, their relatives, or their property, also in light of the small circles they live and work in.<sup>38</sup> Serbia submits that public disclosure of the identities of active BIA operatives specifically would endanger them as well as significantly complicate their engagement in future security activities.<sup>39</sup>

13. The Prosecution defers to the Chamber's discretion regarding these redactions to the Stanišić Defence Documents.<sup>40</sup> The Prosecution opposes the redaction of the identities of former BIA operatives from the Simatović Defence Documents.<sup>41</sup>

(iii) Sources, victims, and other persons

14. Serbia submits that public disclosure of information identifying BIA sources could endanger these sources, as well as their property and relatives, and discourage persons who might otherwise be willing to provide information of interest to the BIA.<sup>42</sup> Serbia further submits that public disclosure of information identifying a victim negatively impacts that person's privacy.<sup>43</sup> Serbia finally submits that public disclosure of the names and addresses of other persons who "did nothing to deserve being mentioned at a public trial" would seriously violate their right to privacy.<sup>44</sup>

15. The Prosecution defers to the Chamber's discretion regarding the redaction of information identifying sources and victims from the Stanišić Defence Documents.<sup>45</sup> The Prosecution does not oppose the redaction of BIA sources from the Simatović Defence Documents.<sup>46</sup> The Prosecution

<sup>37</sup> Response of 5 April 2012, para. 7.

<sup>38</sup> Submission of 28 September 2011, Annex C, pp. 12, 18, 34, 44, 55, 73, 93, 110, 123, 131, 149, 157, 179, 205, 213, 225, 235, 241, 253, 259, 265, 273, 281, 289, 299, 309, 325; 8 April 2011 Request, Annex B, pp. 29170, 29167, 29163, 29160; 15 December 2011 Request, Annex A, pp. 1, 9, 15, 17, 19, 24, 27, 37, 39, 47, 53, 59, 63, 65, 68, 76, 79, 81, 89, 91, 99, 102, 105, 108, 114, 116, 121, 124, 127, 129, 133, 136, 141, 144, 147, 150, 153, 155, 157, 159, 161, 164, 166, 168, 173, 177.

<sup>39</sup> 8 April 2011 Request, Annex B, pp. 29170, 29167, 29163, 29160; 15 December 2011 Request, Annex A, pp. 1, 9, 15, 17, 19, 24, 27, 37, 39, 47, 53, 59, 63, 65, 68, 76, 79, 81, 89, 91, 99, 102, 105, 108, 114, 116, 121, 124, 127, 129, 133, 136, 141, 144, 147, 150, 153, 155, 157, 159, 161, 164, 166, 168, 173, 177.

<sup>40</sup> 25 November 2011 Response, para. 2.

<sup>41</sup> Response of 5 April 2012, para. 5.

<sup>42</sup> 8 April 2011 Request, Annex A, pp. 29212, 29192, 29182; Submission of 28 September 2011, Annex C, pp. 179, 225, 235, 281, 309, 325; 15 December 2011 Request, Annex A, pp. 1, 9, 19, 39, 47, 59, 76, 168.

<sup>43</sup> Submission of 28 September 2011, Annex C, pp. 65, 225.

<sup>44</sup> 15 December 2011 Request, Annex A, pp. 189, 191, 195.

<sup>45</sup> 25 November 2011 Response, para. 2.

<sup>46</sup> Response of 5 April 2012, para. 5.

argues that the redaction of names and addresses of other persons does not relate to a national security concern and is not covered by Rule 75 of the Rules of Procedure and Evidence (“Rules”).<sup>47</sup>

### III. APPLICABLE LAW

16. The Chamber recalls and refers to the applicable law governing protective measures under Rule 54 *bis* of the Rules as set out in previous decisions.<sup>48</sup>

17. Rule 75 (A) of the Rules provides that a Chamber may order appropriate measures for the privacy and protection of victims and witnesses, provided that the measures are consistent with the rights of the Accused.

18. Rule 79 of the Rules provides that a Trial Chamber may order that the press and the public be excluded from all or part of the proceedings for reasons of: (i) public order or morality; (ii) safety, security, or non-disclosure of the identity of a victim or witness as provided in Rule 75; or (iii) the protection of the interests of justice.

19. Rule 54 of the Rules provides that a Trial Chamber may issue such orders as may be necessary for the purposes of an investigation or for the preparation or conduct of the trial.

### IV. DISCUSSION

#### (i) Requests for Provisional Protective Measures and Permanent Redactions

20. Serbia has requested provisional protective measures for a number of documents pending notification of their use during the proceedings. As per the ongoing practice in the present case, the Chamber expects the parties to request provisional private session when using any documents in court which are subject to a pending or prospective request for protective measures and to request, when tendering such documents, that they are provisionally placed under seal.

21. A number of documents contain permanent redactions which cannot be undone as non-redacted original versions are not available. The Chamber will not further consider such permanent redactions in the present decision. The nature and extent of any permanent redactions in a given document may be relevant factors in determining admissibility.

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<sup>47</sup> Response of 5 April 2012, para. 8.

<sup>48</sup> Decision on the Republic of Serbia’s Requests for Protective Measures in relation to Documents Provided to the Prosecution, 7 October 2011 (Confidential) (“7 October 2011 Decision”), paras 17-23, 35; Second Decision on the Republic of Serbia’s Motion for Protective Measures, 3 November 2009 (Confidential) (“3 November 2009 Decision”), paras 4-7.

(ii) BIA operatives and BIA sources

22. The Chamber recalls that information identifying active BIA operatives should remain confidential in order to protect Serbia's national security interests.<sup>49</sup> Accordingly, the Chamber finds that such information should be redacted under Rule 54 *bis* of the Rules.

23. The Chamber further recalls that information identifying persons who have provided information to the BIA should remain confidential in order to protect Serbia's national security interests.<sup>50</sup> Accordingly, the Chamber finds that such information should be redacted under Rule 54 *bis* of the Rules.

24. The Chamber finally recalls its discussion in previous decisions regarding the public disclosure of former BIA operatives' identities in relation to Serbia's national security interests.<sup>51</sup> For the reasons detailed in its previous decisions, the Chamber is unable to conclude on the basis of Serbia's submissions that this information, as contained in the relevant materials, should remain confidential in order to protect Serbia's national security interests.

(iii) Means and Methods

25. Serbia's arguments in respect of the BIA's means, methods, capabilities, capacities, organizational structure, and internal chain of reporting are of a vague and general nature. Serbia points only to the danger of revealing this information to potential terrorists. However, Serbia has failed to explain how public disclosure of the specific information contained in the documents might jeopardize ongoing intelligence gathering efforts or otherwise impair the BIA's functioning. Moreover, the information contained in the vast majority of the documents relates to the BIA's means and methods as they were around 20 years ago. In the absence of sufficiently detailed submissions, the Chamber finds that Serbia has failed to establish how public disclosure of means and methods generally would affect its national security interests. The Chamber is unable to conclude on the basis of Serbia's submissions that this information, as contained in the relevant materials, should remain confidential.

26. Serbia specifically points out that information revealing that persons were registered in the BIA's files may make those persons more cautious, thereby obstructing the BIA's activities. This argument cannot apply to all persons who were processed in the past, around 20 years ago. However, some of these persons may presently be subject to monitoring by the BIA. Publicly

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<sup>49</sup> 3 November 2009 Decision, para. 9.

<sup>50</sup> 7 October 2011 Decision, para. 27.

<sup>51</sup> Decision on Serbia's Requests for Protective Measures in relation to Eight Witnesses, 14 June 2012 (Confidential), para. 26; 7 October 2011 Decision, para. 29.



revealing that such persons were previously registered in the BIA's files may alert those persons to the BIA's present monitoring. This could jeopardize ongoing BIA intelligence gathering efforts and thereby affect Serbia's national security interests. Consequently, the Chamber finds that the fact that a person who is presently subject to monitoring by the BIA was previously registered in the BIA's files should be redacted under Rule 54 *bis* of the Rules, in order to protect Serbia's national security interests.

(iv) Victims and other persons

27. Serbia has requested that information identifying a number of murder victims be redacted from the documents.<sup>52</sup> Serbia has further requested that information identifying a rape victim be redacted from the documents.<sup>53</sup> Serbia has not argued how the public disclosure of the identities of victims would affect its national security interests. The Chamber recalls that, as a matter of general practice, the public disclosure of the identity of victims of crimes is a frequent and accepted occurrence in international criminal trials.<sup>54</sup> In certain circumstances, the identities of victims should be kept confidential in order to protect their safety or privacy.<sup>55</sup> On the basis of the submissions before it, the Chamber is not convinced that the redaction of information identifying the victims of murders is appropriate. With regard to the rape victim, the Chamber considers that Serbia has requested a redaction and none of the parties have raised objections to it. Under these circumstances and given the alleged crime involved, the Chamber grants protective measures for this rape victim pursuant to Rule 75 of the Rules.

28. Finally, Serbia has requested that the names and addresses of persons who are otherwise unrelated to the trial proceedings should be withheld from the public to protect their privacy. Serbia has not argued how the public disclosure of the identities of other persons would affect its national security interests. Such persons are neither victims nor witnesses under Rule 75 of the Rules, nor is it immediately apparent from the submissions before the Chamber that this information should be confidential for reasons of public order or morality or the protection of the interests of justice as in Rule 79 of the Rules. On the basis of the submissions before it, the Chamber is unable to conclude that the redaction of information identifying such persons is appropriate.

## V. DISPOSITION

29. For the above reasons, pursuant to Rules 54, 54 *bis*, 75 and 79 of the Rules, the Chamber

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<sup>52</sup> Submission of 28 September 2011, Annex C, pp. 58-59, 62-63, 65. The Chamber notes that these names have also been redacted from the document Serbia has provided as being the non-redacted original.

<sup>53</sup> Submission of 28 September 2011, Annex C, pp. 218, 223, 225,

a) in relation to Serbia's Requests for Provisional Protective Measures:

**GRANTS** the Prosecution Request of 14 May 2012 for an extension of time to respond;

**DECIDES** that P992 is to remain provisionally under seal pending further submissions by Serbia and a final decision by the Chamber;

**INVITES** Serbia to file reasoned requests for protective measures in relation to P992 within two weeks of the date of filing of this decision;

**GRANTS** Serbia's Requests for Provisional Protective Measures;

**REMINDS** the parties to request provisional private session when using any documents in court which are subject to a pending or prospective request for protective measures and to request, when tendering such documents, that they are provisionally placed under seal and **INSTRUCTS** the parties to apply this approach to the documents subject to Serbia's Requests for Provisional Protective Measures;

**INSTRUCTS** the parties to notify Serbia of which of the documents subject to the Requests for Provisional Protective Measures they have used in court or tendered into evidence within two weeks of the date of filing of this decision (insofar as they have not already done so);

**INVITES** Serbia to file reasoned requests for protective measures within three weeks of having received such notification from the parties;

**INVITES** Serbia to distinguish in future requests for protective measures between active and former BIA operatives and between persons who are presently subject to monitoring by the BIA and persons who were merely mentioned in BIA documents;

**INSTRUCTS** the parties to file any responses to Serbia's above requests within two weeks of the date of the filing of the entirety of Serbia's submissions (including annexes); and

b) in relation to Serbia's requests for protective measures:

**GRANTS** Serbia's requests for protective measures in relation to the Stanišić Defence Documents and the Simatović Defence Documents (together: "Documents") in part;

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<sup>54</sup> 7 October 2011 Decision, para. 32.

<sup>55</sup> Ibid.

**INSTRUCTS** the parties to redact from the Documents which contain such information: the names of and additional information, if any, identifying

- a. active BIA operatives and BIA sources;
- b. persons who are presently subject to monitoring by the BIA;
- c. the rape victim mentioned from the Document on pages 214-225 of Serbia's Submission of 28 September 2011;

**INVITES** the parties to communicate with Serbia where necessary to effectively redact any of the information specified above from the Documents, including those for which the Prosecution noted irregularities in the versions provided by Serbia;

**INSTRUCTS** Serbia to provide the parties with a list confirming the names of active BIA operatives mentioned in the Documents and a list of persons who are presently subject to monitoring by the BIA mentioned in the Documents (together: "Lists") within three weeks of the date of this decision;

**INSTRUCTS** the parties to treat these Lists as confidential;

**INSTRUCTS** each of the parties to submit in a confidential filing, within two weeks of the receipt of the Lists from Serbia, an overview containing the names of active BIA operatives, of BIA sources, and of persons presently being monitored by the BIA mentioned in the Documents which they have used in court or tendered into evidence and which are subject to redaction pursuant to this decision;

**INSTRUCTS** the parties to review the Documents which have been admitted or marked for identification under seal in this case and to notify the Chamber, within six weeks of the date of this decision, if the confidentiality of any of these documents can now be lifted;

**INSTRUCTS** the parties to review the transcript in order to identify portions held in private or closed session as a result of the in-court use of the Documents and to file, within six weeks of the date of this decision, requests for status changes of portions of the transcript, if the confidentiality of any such portions can now be lifted;

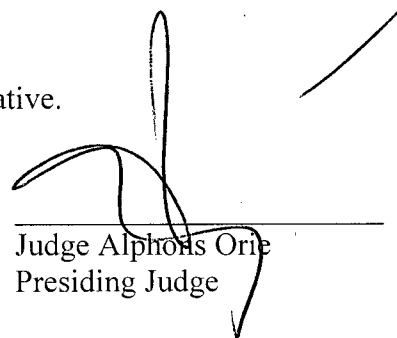
**REMINDS** the parties generally of their continuous obligation to review the trial record and request status changes where appropriate;

**INSTRUCTS** the parties to, if tendering any of the Documents in relation to which the Chamber has granted protective measures in this decision into evidence, request their admission under seal and to use redacted versions of the Documents during the remainder of the trial proceedings;

**INSTRUCTS** the parties to submit, where possible, public redacted versions for the Documents which are admitted under seal, in accordance with the Decision on Prosecution Motion for Admission of Redacted Copies of Confidential Exhibits as Public Exhibits, filed on 23 August 2010; and

**DENIES** the remainder of the Serbia's requests for protective measures in relation to the Documents, namely with regard to information identifying former BIA operatives, murder victims, and other persons, or relating to the BIA's means, methods, capabilities, capacities, organizational structure, or internal chain of reporting generally.

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



Judge Alphons Ori  
Presiding Judge

Dated this Eighteenth of July 2012  
At The Hague  
The Netherlands

[Seal of the Tribunal]