

**IN THE TRIAL CHAMBER**

**Before:**

**Judge Almiro Rodrigues, Presiding  
Judge Fouad Riad  
Judge Patricia Wald**

**Registrar:**

**Mrs. Dorothee de Sampayo Garrido-Nijgh**

**Decision of:**

**14 April 2000**

**THE PROSECUTOR**

v.

**DRAGOLJUB PRCAC**

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**DECISION ON PROSECUTION MOTION FOR PROTECTIVE MEASURES AND  
PARTICULARY FOR WITNESS N**

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**The Office of the Prosecutor:**

**Ms. Brenda Hollis**

**Defence Counsel:**

**Mr. Jovan Simic**

**Mr. Dusan Masic**

**TRIAL CHAMBER I** 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 Tribunal");

**BEING SEIZED** of the Prosecutor's "Motion for Additional Protective Measures for Witness N and to Apply the Trial Chamber Order Dated 13 March 2000 to the accused Prcac" filed on 31 March 2000;

**NOTING** the "Order on the Prosecutor's Motion for Protective Measures for a Witness" filed in the case IT-98-30 on 13 March 2000;

**NOTING** the "Order for Protective Measures" in the case IT-95-4-PT, dated 29 March 2000;

**NOTING** articles 20 and 22 of the Statute and Rules 54, 66, 68, 69 and 75 of the Rules of Procedure and Evidence;

**CONSIDERING** that the Chamber deems that the concerns expressed by the Prosecutor as to the safety of the Prosecution witness N are legitimate and that it is incumbent upon the Trial Chamber to take the appropriate measures necessary to ensure his protection whilst enabling the Defense to prepare for trial;

**HEREBY ORDERS** that:

1. The witness shall be referred to as witness N;
2. In case of limited disclosure necessary for the preparation of the Defense, the Defense shall keep a log of all disclosures of the protected data, including to whom disclosed, when and for what purpose. This log will be made available to the Trial Chamber upon order of the Chamber;
3. The accused, his defense counsel, and their representatives who are acting pursuant to their instructions or requests, shall contact Prosecutor witness or potential witness, or any person identified in material disclosed to the accused, his defense counsel, and their representatives acting pursuant to their instructions or requests only on reasonable prior written notice to the Prosecutor; if a witness so requests, the Prosecution may be present at any meetings between that witness and the Defense; and
4. The Prosecutor shall contact a witness or a potential witness identified to them by the Defense, or a person identified in material disclosed by the accused, his defense counsel, and their representatives acting pursuant to their instructions or requests only on reasonable prior written notice to the Defense; if a witness so requests, the Defense may be present at any meetings between that witness and the Prosecution.
5. Regarding specifically witness N, no photography, video-record or sketch shall be taken while in the precincts of the Tribunal;
6. Identifying information concerning witness N shall be sealed and not included in any of the public records of the Tribunal;
7. Witness N shall testify with voice and facial distortion.

**NOTE** that motion for protective measures for further witnesses may be presented orally.

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

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Almiro Rodrigues  
Presiding Judge

Dated this fourteenth day of April 2000,  
At The Hague  
The Netherlands.

**[Seal of the Tribunal]**