



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: 21 February 2012
Original: English

IN TRIAL CHAMBER I

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

Registrar: Mr John Hocking

Decision of: 21 February 2012

PROSECUTOR

v.

**JOVICA STANIŠIĆ
FRANKO SIMATOVIĆ**

PUBLIC

**DECISION ON MOTION FOR PROTECTIVE MEASURES FOR
WITNESS DFS-20**

Office of the Prosecutor

Mr Dermot Groome

Counsel for Jovica Stanišić

Mr Wayne Jordash

Mr Scott Martin

Counsel for Franko Simatović

Mr Mihajlo Bakrač

Mr Vladimir Petrović

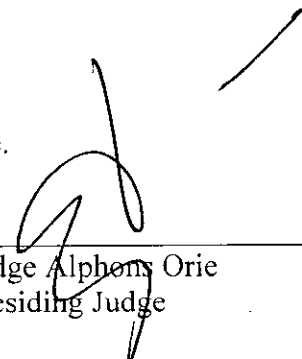
1. On 30 December 2011, the Simatović Defence requested the protective measures of pseudonym, voice distortion, and face distortion for Witness DFS-20 (“Motion”).¹ It submits that more than four years ago, a hand grenade was “activated” in the courtyard of the restaurant where the witness was sitting and that around the same time, the employment contract of a family member of his was unexpectedly terminated.² On 13 January 2012, the Prosecution responded, opposing the Motion (“Response”).³ The Prosecution submits that the hand grenade incident appears unrelated to the witness or his position as a witness in this case.⁴ It also submits that the termination of the witness’s family member’s employment contract lacks details needed in order to objectively rely upon it as a basis for granting protective measures.⁵ The Stanišić Defence did not respond to the Motion.

2. The Chamber recalls and refers to the test for granting protective measures to witnesses set out in a previous decision.⁶

3. In addition to the fact that the events occurred more than four years ago, there is no objective indication that they took place because of Witness DFS-20’s position as a witness before this Tribunal. Accordingly, the Chamber is not satisfied that the Motion demonstrates an objectively grounded risk to the safety or welfare of the witness or his family because of his position as a witness before this Tribunal.

4. For the foregoing reasons, the Chamber **DENIES** the Motion.

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



Judge Alphons Orie
Presiding Judge

Dated this Twenty-First of February 2012
At The Hague
The Netherlands

[Seal of the Tribunal]

¹ Simatović Defence Motion for Protective Measures for Witness DFS-20, 30 December 2011 (Confidential), paras 3, 8.

² Motion, paras 4, 6.

³ Prosecution Response to Simatović Defence Motion for Protective Measures for Proposed Expert Milorad Borojević (DFS-20), 13 January 2012 (Confidential), paras 1, 15-16.

⁴ Response, paras 9-10, 12.

⁵ Response, para. 14.

⁶ T. 3691.