



International Tribunal for the Prosecution of
Persons Responsible for Serious Violations of
International Humanitarian Law Committed in
the Territory of Former Yugoslavia since 1991

Case No. IT-08-91-PT
Date: 24 July 2009
Original: English

IN TRIAL CHAMBER III

Before: Judge Iain Bonomy, Presiding
Judge Ole Bjørn Støle
Judge Frederik Harhoff, Pre-Trial Judge

Registrar: Mr. John Hocking

Decision of: 24 July 2009

PROSECUTOR

v.

MİĆO STANIŠIĆ & STOJAN ŽUPLJANIN

PUBLIC WITH CONFIDENTIAL ANNEXES

**DECISION GRANTING PROSECUTION'S FOURTH MOTION FOR PROTECTIVE
MEASURES FOR VICTIMS AND WITNESSES**

The Office of the Prosecutor:

Ms. Joanna Korner
Mr. Thomas Hannis

Counsel for the Accused:

Mr. Slobodan Zečević and Mr. Slobodan Cvijetić for Mićo Stanišić
Mr. Igor Pantelić for Stojan Župljanin

TRIAL CHAMBER III (“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”);

BEING SEISED of “Prosecution’s Fourth Motion for Protective Measures for Victims and Witnesses, with an *Ex Parte* Annex”, filed confidentially and partially *ex parte* on 19 June 2008 (“Fourth Motion”) in the case of *Prosecutor v. Mićo Stanišić*, whereby the Prosecution seeks the application of protective measures previously granted in other proceedings before the Tribunal with respect to a number of witnesses and further seeks the assignment of new pseudonyms pursuant to Article 22 of the Statute of the International Tribunal for the Former Yugoslavia (“Statute”) and Rules 75 and 79 of the Rule of Procedure and Evidence (“Rules”);

NOTING that on 23 September 2008, the cases against Mićo Stanišić and Stojan Župljanin were joined pursuant to a Decision by the Trial Chamber;¹

NOTING that on 28 April 2009, the Chamber issued an “Order regarding Prosecution’s Fourth Motion for Protective Measures (“Order”) inviting the Prosecution to clarify: (i) whether it intends to call the witnesses referred to in the Motion; and (ii) whether it seeks variation of protective measures in respect to witness ST-137;

NOTING that in the “Prosecution’s Response to Trial Chamber’s Order of 28 April 2009 regarding Prosecution’s Fourth Motion for Protective Measures, 29 April 2009” (“Response”), filed on 29 April 2009, the Prosecution: (i) confirms that it intends to call the witnesses under consideration to testify at trial; and (ii) stresses that it seeks no variation of protective measures with respect to witness ST-137;

NOTING that on 8 July 2009, the “Prosecution’s Pre-Trial Brief” filed publicly with confidential annexes, included the list of witnesses that the Prosecution intends to call at trial pursuant to Rule 65ter(E)(i), wherein although it had varied the mode of testimony for certain

¹ *Prosecutor v. Mićo Stanišić*, Case No. IT-04-79-PT; *Prosecutor v. Stojan Župljanin*, Case No. IT-99-36/2-PT, “Decision on Prosecution’s Motion for Joinder and for Leave to Consolidate and Amend Indictments”, 23 September 2008.

witnesses from that which is indicated in the Fourth Motion,² these variations do not impact the nature of the protective measure sought for these witnesses;³

NOTING that the Defence did not file any response to the Motion;

PURSUANT to Articles 21 and 22 of the Statute of the Tribunal and Rules 53(A), 54, 69 and 75 and for the foregoing reasons;

HEREBY GRANTS the Motion in part and **NOTES** that in accordance with Rule 75(F)(i), the protective measures granted to the witnesses in previous proceedings before the Tribunal shall continue to apply *mutatis mutandis* in these proceedings, until they are specifically rescinded, varied or augmented by proper procedure; and

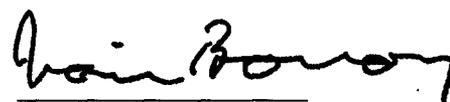
ORDERS that:

1. The witnesses shall be permitted to testify with the protective measures as indicated in Annex I and Annex II of this Decision, these measures being the same as those previously granted in other proceedings before the Tribunal in accordance with Rule 75(F)(i);
2. The witnesses shall be given new pseudonyms as indicated in Annex I and Annex II of this Decision, these pseudonyms being different from those granted in other proceedings before the Tribunal. These pseudonyms shall be used whenever referring to the witnesses in question in the trial and related proceedings before the Tribunal and in discussions among parties to the trial. The *92bis* and *92ter* statements of witnesses identified in Annex I and Annex II shall not be made public and all references to those statements shall utilize the witnesses' new pseudonyms listed in Annex I and Annex II;
3. The name, address, whereabouts of and identifying information concerning each of the witnesses identified in Annex I and Annex II of this Decision shall be sealed and not included in any public records of the Tribunal;

² Prosecution's Pre-Trial Brief, 8 July 2009, Confidential Appendix 3.

³ See confidential Annexes I and II below.

4. To the extent that the name, address, whereabouts of, or other identifying data of the witnesses identified in Annex I and Annex II of this Decision is contained in existing public records of the Tribunal, that information shall be expunged from those documents;
5. The public and the media may not photograph, video-record or sketch or in any manner record or reproduce images of the witnesses identified in Annex I and Annex II while they are in the precincts of the Tribunal.



Judge Iain Bony

Presiding

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

Dated this twenty-fourth day of July 2009

At The Hague

The Netherlands

[Seal of the Tribunal]