



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-05-88/2-R77.2  
Date: 19 October 2011  
Original: English

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**IN TRIAL CHAMBER II**

**Before:** Judge Christoph Flügge, Presiding  
Judge Antoine Kesia-Mbe Mindua  
Judge Prisca Matimba Nyambe

**Registrar:** Mr. John Hocking

**Order of:** 19 October 2011

**IN THE CONTEMPT CASE OF DRAGOMIR PEĆANAC**

**PUBLIC**

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**ORDER LIFTING THE CONFIDENTIALITY OF THE ORDERS AND  
TRANSCRIPT RELATED TO THE INITIAL APPEARANCE**

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**Counsel for the Accused**

Mr. Jens Dieckmann (Duty Counsel)

**Office of the Prosecutor**

Mr. Peter McCloskey

**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 (“Tribunal”);

**NOTING** the “Dissenting Opinion of Judge Prisca Matimba Nyambe to the Order *in Lieu* of Indictment” filed confidentially on 4 October 2011 (“Dissenting Opinion”);

**NOTING** the “Order Designating a Judge for Initial Appearance”, “Order for Detention on Remand”, and “Scheduling Order for Initial Appearance” filed confidentially on 9 October 2011 (collectively, “Orders”);

**NOTING** that the Dissenting Opinion and the Orders were issued confidentially to protect the identity of Dragomir Pećanac (“Accused”) in the event the Accused sought protective measures as a witness in the case of *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-T (“*Tolimir* case”);<sup>1</sup>

**NOTING** that the Accused was transferred to the seat of the Tribunal on 9 October 2011;

**NOTING** that on 10 October 2011, an initial appearance of the Accused was held in closed session, during which the Accused indicated that he did not intend to apply for protective measures in relation to his potential testimony in the *Tolimir* case and did not object to the proceedings being held in open session;<sup>2</sup>

**NOTING** that the initial appearance continued in open session;<sup>3</sup>

**NOTING** the “Order Issuing a Public Redacted Version of the ‘Order *in Lieu* of Indictment’” filed by the Chamber on 19 October 2011;

**NOTING** that, pursuant to Rules 78 and 79 of the Rules of Procedure and Evidence of the Tribunal (“Rules”), all proceedings shall be public unless otherwise provided;

**CONSIDERING** that: (1) there is no longer a reason for the Orders or the Dissenting Opinion to remain confidential; and (2) except for the portions of the transcript of the initial appearance of the Accused at T. 3:24–5:13 and T. 6:22–7:2, there is no longer a reason for the transcript of the initial appearance of the Accused to remain confidential; and therefore, it is in the interests of justice for the transcript, subject to these exceptions, to now be made public;

<sup>1</sup> Prosecution’s Submission regarding Witness Dragomir Pećanac, confidential, 29 August 2011, n. 1.

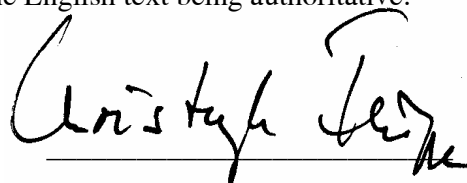
<sup>2</sup> T. 11 (10 October 2011).

**PURSUANT** to Rules 54, 78, and 79 of the Rules,

**HEREBY ORDERS** the Registry of the Tribunal to lift the confidentiality of the following:

- (1) The Orders and the Dissenting Opinion; and
- (2) The transcript pages of the initial appearance of the Accused: T. 1–3:23, T. 5:14–6:21, T. 7:3–11:24 (10 October 2011).

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



Judge Christoph Flügge

Presiding Judge

Dated this nineteenth day of October 2011  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**

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<sup>3</sup> T. 12–15 (10 October 2011).