

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-98-32/1-A
Date: 3 December 2010
Original: English

IT-98-32/1-A
A2151 - A2149
03 December 2010

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ML

IN THE APPEALS CHAMBER

Before: Judge Mehmet Güney, Pre-Appeal Judge
Registrar: Mr. John Hocking
Order of: 3 December 2010

PROSECUTOR

v.

**MILAN LUKIĆ
SREDOJE LUKIĆ**

PUBLIC

**ORDER REGARDING THE ALTERATION OF THE
STATUS OF EXHIBITS CONSISTING OF TRANSCRIPTS
FROM OTHER CASES**

The Office of the Prosecutor

Mr. Paul Rogers

Counsel for Milan Lukić

Mr. Tomislav Višnjić and Mr. Dragan Ivetić

Counsel for Sredoje Lukić

Mr. Đuro Čepić and Mr. Jens Dieckmann

I, MEHMET GÜNEY, Judge of the Appeals Chamber of the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 (“Appeals Chamber” and “Tribunal”, respectively) and Pre-Appeal Judge in this case;¹

NOTING that unofficial and unrevised versions of transcripts from other cases have been publicly admitted in the trial phase of the instant case as exhibits P37, P38, P127, P173, P175 and P179 (“Exhibits”) and that the Registry has advised the Appeals Chamber that the Exhibits contain confidential passages that have been redacted from the public record in their respective cases;

CONSIDERING that exhibits containing passages from transcripts designated as confidential in another case shall not be publicly accessible and that accordingly the Registry has not made the Exhibits available to the public through the ICTY Court Records;

CONSIDERING that by virtue of Rules 78 and 107 of the Rules of Procedure and Evidence (“Rules”), all proceedings before the Appeals Chamber shall be public unless there are exceptional reasons for keeping them confidential and that the identified Exhibits in the instant case had been originally submitted by the parties as public exhibits;²

CONSIDERING THEREFORE that it is necessary to have a public redacted version of the Exhibits in the instant case;

NOTING the “Order Regarding the Status of Exhibits Consisting of Transcripts from Other Cases” filed on 28 June 2010 (“28 June 2010 Order”), in which the Appeals Chamber ordered

the parties to replace, without undue delay and in consultation with the Registry, the unofficial and unrevised versions of transcripts which were admitted as public or confidential exhibits throughout the trial proceedings in the *Lukić and Lukić* case with the official and revised versions of those transcripts;³

CONSIDERING that the Exhibits as submitted by the parties should not be replaced by “official and revised versions” of the transcripts that make up the Exhibits and that the 28 June 2010 Order should therefore be set aside;

PURSUANT TO Rules 54, 78 and 107 of the Rules;

¹ Order Assigning a Pre-Appeal Judge, 19 August 2009.

² *Prosecutor v. Milan Lukić and Sredoje Lukić*, IT-98-32/1-AR65.1, Decision on Defence Appeal Against Trial Chamber’s Decision on Sredoje Lukić’s Motion for Provisional Release, 16 April 2007, fn. 2.

³ 28 June 2010 Order, p. 1.

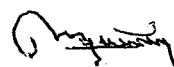
HEREBY ORDER that the Registry, as soon as practicable, designate as confidential the Exhibits;

ORDER the Prosecution, in close cooperation with the Registry, to provide public redacted versions of the Exhibits as admitted during trial, to upload them in the eCourt system by 9 December 2010, and to notify the Registry and the Appeals Chamber when they are uploaded; and

INSTRUCT the Registry to assign, as soon as practicable, exhibit numbers to the public redacted versions of the Exhibits in the instant case, and to file a notification to the Appeals Chamber, which would be copied to the parties, in which those exhibit numbers are indicated.

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

Dated this 3rd day of December 2010
At The Hague,
The Netherlands.



Judge Mehmet Güney
Pre-Appeal Judge

[Seal of the Tribunal]