

IT-04-81-T
D18567-D18565
29 MAY 2009

18567

Aj

**UNITED
NATIONS**



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-04-81-T
Date: 29 May 2009
Original: English

IN TRIAL CHAMBER I

Before: Judge Bakone Justice Moloto, Presiding
Judge Pedro David
Judge Michèle Picard

Registrar: Mr. John Hocking

Decision of: 29 May 2009

PROSECUTOR

v.

MOMČILO PERIŠIĆ

CONFIDENTIAL

**DECISION ON PROSECUTION'S REQUEST FOR
CHANGE IN STATUS OF CERTAIN EXHIBITS
ADMITTED UNDER SEAL**

The Office of the Prosecutor

Mr. Mark Harmon
Mr. Daniel Saxon

Counsel for the Accused

Mr. Novak Lukić
Mr. Gregor Guy-Smith

TRIAL CHAMBER I (“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”);

BEING SEISED of the “Request for Change in Status of Certain Exhibits Admitted Under Seal with Annex A”, filed confidentially by the Office of the Prosecutor (“Prosecution”) on 14 May 2009 (“Request”)¹ and of the “Supplement to Request for Change in Status of Certain Exhibits Admitted Under Seal with Revised Annex A”, filed confidentially on 21 May 2009 (“Supplement to the Request”);²

RECALLING that the Republic of Serbia filed two motions for protective measures in relation to certain documents in this case;³

NOTING that, pending the decision of the Trial Chamber on both motions, the Prosecution treated these documents as confidential, and those that were tendered as exhibits in Court were admitted under seal by the Trial Chamber;⁴

NOTING that the two motions were denied by the Trial Chamber in two separate decisions⁵ and that the Appeals Chamber denied Serbia’s requests for review of both decisions;⁶

NOTING that the Prosecution requests that the status of the exhibits identified in Annex A to the Request be changed to public and that the relevant portions of the transcript be made public;⁷

NOTING that the Defence has not filed a response to the Motion;

CONSIDERING the general interest in the publicity of the proceedings and that, following the dismissal of the Republic of Serbia’s requests for protective measures, there are currently no reasons to treat the exhibits identified in Annex A to the Request as confidential;

FOR THE FOREGOING REASONS,

¹ Signed on 13 May 2009. An incomplete version of the Request was filed on 13 May 2009.

² Signed on 20 May 2009. The Supplement to the Request was filed by the Prosecution in order to identify the relevant portions of the transcript related to those exhibits.

³ Republic of Serbia’s Motion for Protective Measures, 18 September 2008 and Republic of Serbia’s Supplemental Motion for Protective Measures in relation to Serbia’s confidential Motion dated 18 September 2008, 15 October 2008 (confidential); Republic of Serbia’s Request for Protective Measures, 2 January 2009 (confidential).

⁴ Some of the exhibits were marked for identification by the Trial Chamber, *see* Annex A to the Request.

⁵ Decision on Serbia’s Motion and Supplemental Motion for Protective Measures, 11 November 2008 (confidential); Decision on the Republic of Serbia’s Request for Protective Measures, 9 February 2009 (confidential and *ex parte*);

⁶ Decision on the Request of the Republic of Serbia for Review of the Trial Chamber’s Decision on Protective Measures of 11 November 2008, 27 February 2009 (confidential); Decision on the Republic of Serbia’s Request for Review of Trial Chamber’s Decision of 9 February 2009, 30 March 2009 (confidential).

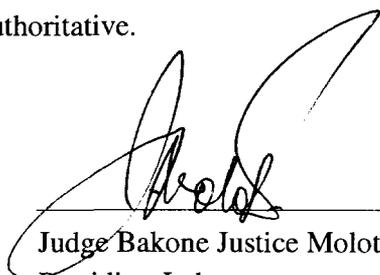
⁷ Request, para. 3.

PURSUANT to Rule 54 of the Rules of Procedure and Evidence,

GRANTS the Request;

REQUESTS the Registrar of the Tribunal to reclassify as public the status of the exhibits and to make public the relevant portions of the transcripts identified, respectively, in Annex A to the Request and in the Revised Annex A to the Supplement to the Request.

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



Judge Bakone Justice Moloto
Presiding Judge

Dated this twenty-ninth day of May 2009

At The Hague

The Netherlands

[Seal of the Tribunal]