

**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: 2 June 2010
Original: English

IN TRIAL CHAMBER I

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

Registrar: Mr. John Hocking

Decision of: 2 June 2010

PROSECUTOR

v.

MOMČILO PERIŠIĆ

PUBLIC

**DECISION ON PROSECUTION REQUEST FOR
CHANGE IN STATUS OF CERTAIN EXHIBITS
ADMITTED UNDER SEAL WITH ANNEX A**

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 Prosecution’s “Request for Change in Status of Certain Exhibits Admitted Under Seal, with Annex A”, filed confidentially on 7 May 2010 (“Request”), whereby the Prosecution requests that the status of certain exhibits admitted under seal and the relevant portions of transcript identified in Annex A be made public following the denial of the Republic of Serbia’s (“Serbia”) request for protective measures of said exhibits;¹

RECALLING the “Republic of Serbia’s Motion for Protective Measures for the Documents Provided to the OTP in Response to the RFAs 547, 611-A, 793, 794, 835, 830, 1350, 1350A, 1302-I, 1504-A and 1579” filed confidentially on 28 January 2010, which was denied on 15 February 2010;²

RECALLING that Serbia filed a request for review³ which was denied by the Appeals Chamber in its “Decision on the Republic of Serbia’s Request for Review of the Trial Chamber’s Decision of 15 February 2010” issued publicly on 15 April 2010;⁴

NOTING the Defence “Response to Prosecution Request for Change of Status of Certain Exhibits Admitted Under Seal” filed confidentially on 20 May 2010 (“Response”), whereby the Defence states it does not object to the Prosecution’s Request;⁵

CONSIDERING the general interest in the publicity of the proceedings and that, following the dismissal 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,

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

¹ Request, para. 1.

² Confidential Decision Serbia’s Third Motion for Protective Measures, 15 February 2010.

³ Request of the Republic of Serbia’s [*sic*] for the review of the Trial Chamber’s Decision on Serbia’s Third Motion for Protective Measures from 15 February 2010, filed confidentially on 9 March 2010.

⁴ Case No. IT-04-81-AR108*bis*.4.

⁵ Response, para. 2.

GRANTS the Request in part;

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 in Annex A to the Request with the exception of transcript portions T. 8258:17-8262:20 which shall currently remain confidential as they contain information which may reveal the identity of a protected witness.

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



Judge Bakone Justice Moloto
Presiding Judge

Dated this second day of June 2010
At The Hague
The Netherlands

[Seal of the Tribunal]