

Before: Judge Theodor Meron, Presiding
Judge Carmel Agius
Judge Liu Daqun
Judge Arlette Ramarosan
Judge Andréia Vaz

Registrar: Mr. John Hocking

Post-Session Public Order

The Prosecutor
v.
Momčilo Perišić

Order to redact the public transcript
and the public broadcast of a hearing

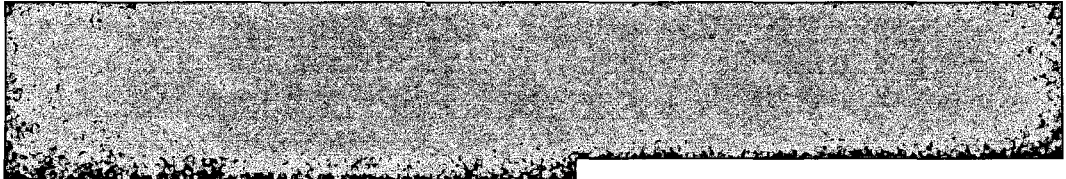
The Appeals Chamber

ORDERS that the following highlighted text, page 74, lines 20-25, be omitted from the public transcript of this hearing and be edited from the public broadcast of this hearing.

R - [30/10/2012 Appeals Hearing]

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11:58:24 Celeketic. I said in my address to you this morning that that Perisic,
11:58:30 when Celeketic refused to follow his advice to stop the shelling because
11:58:35 he disagreed, if he had had the authority over members of the 40th
11:58:42 Personnel Centre, he could have gone to the ^ Orkan crew and said stop
11:59:05 it. That's what a commander does when a commander has control over an
11:59:05 entity composed almost entirely where all the key officers are from the
11:59:05 40th Personnel Centre.
11:59:05 The majority did not look at this issue at all. The majority
11:59:08 failed to note that Perisic did not do that. And that is very important,
11:59:17 Mr. President. Why is it so important? Well simply because Perisic did
11:59:22 not do that for two reasons. One, he respected the chain of command of
11:59:26 the SVK, and, two, he knew that he did not have the authority to bypass
11:59:33 Celeketic. That's the key indicator of effective control.
11:59:36 Now, when Milosevic spoke to Perisic, he never suggested to
11:59:43 Celeketic, "Hey, Momo go straight to the Orkan crew and tell them to
11:59:51 stop." He never said that. Milosevic also understood that there was no
11:59:54 such thing as authority of Perisic over the 40th Personnel Centre.



12:00:50 A few quick words on de jure. The Prosecution referred to this
12:00:55 this morning and I want to come back. He referred to what I call is the
12:00:58 circular argument, the circular argument which I referred to which is
12:01:02 what the majority did. The majority said the perpetrators are members of
12:01:08 the 40th Personnel Centre. Check. Good. The 40th Personnel Centre
12:01:16 members are part -- are the VJ. I'll give that to them. Check that's

The blacked-out text, as identified by the passages prior and subsequent thereto, is confidential. Any person or organization, including media organizations, which has possession of the public recording of all or the relevant portion of the proceeding containing the confidential information is hereby enjoined from disclosing it to any other person(s) or organization(s) as of the date and time this order is received. The failure to conform may result in contempt charges being issued by the Tribunal against the disclosing person or organization.

Theodor Meron
Presiding Judge