



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-95-5/18-T
Date: 12 November 2010
Original: English

IN THE TRIAL CHAMBER

Before: Judge O-Gon Kwon, Presiding Judge
Judge Howard Morrison
Judge Melville Baird
Judge Flavia Lattanzi, Reserve Judge

Registrar: Mr. John Hocking

Order of: 12 November 2010

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

ORDER ON RECLASSIFICATION OF EXHIBIT D737

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused

Mr. Radovan Karadžić

Standby Counsel

Mr. Richard Harvey

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 that the witness statement of Dragan Mioković dated 14 November 1995 (“Witness Statement”), was admitted into evidence by this Trial Chamber on 12 October 2010 as confidential exhibit D737, during the cross-examination of witness Mirza Sabljica;¹

NOTING that the Witness Statement was admitted under seal in order to protect Dragan Mioković’s identity as, at the time, he was a protected witness with a pseudonym, and image and voice distortion, and his identity was unknown to the public;²

NOTING that, on 28 October 2010, Dragan Mioković consented to the rescission of the protective measures of pseudonym and voice distortion for his testimony before this Trial Chamber;³

RECALLING that the protective measure of image distortion remains applicable to Dragan Mioković;

CONSIDERING that Article 21, paragraph 2 of the Tribunal’s Statute provides that “[i]n the determination of charges against him, the accused shall be entitled to a fair and public hearing, subject to Article 22 of the Statute;”

CONSIDERING that documents should be filed and admitted on a confidential basis only in exceptional circumstances, when they contain information which, if disclosed, might cause prejudice, concerns about safety, or serious embarrassment to a party or a witness, or where the very fact of filing might have the same result;⁴

CONSIDERING that Dragan Mioković’s consent to the rescission of some of the protective measures originally granted to him now obviates the need for the confidential status of the Witness Statement and that it is in the interests of a public trial that the Witness Statement is publicly accessible;

¹ See Hearing, T.7555–7556 (12 October 2010) (private session).

² Dragan Mioković was granted pseudonym and image and voice distortion in a previous case and these were then continued in this case, pursuant to Rule 75 of the Rules of Procedure and Evidence.

³ See Hearing, T.8539, 8548 (28 October 2010).

⁴ See *Prosecutor v. Stakić*, IT-92-24-A, Decision on the Defence Motion for Extension of Time, 26 April 2004, para. 6; *Prosecutor v. Haradinaj et al.*, IT-04-84-A, Decision on Lahi Brahimaj Application for Provisional Release, 25 May 2009, para. 5; *Prosecutor v. Blagojević et al*, IT-02-60-A, Decision on Prosecution Motion to Lift Confidential and *Ex Parte* Status of Appeals Chamber’s Decision of 2 December 2005, 11 July 2007.

CONSIDERING further that the information contained in the Witness Statement does not compromise the protective measure of image distortion still enjoyed by Dragan Mioković;

PURSUANT TO Rule 54 of the Tribunal's Rules of Procedure and Evidence,

HEREBY ORDERS the Registry to accord public status to the Witness Statement.

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



Judge O-Gon Kwon
Presiding

Dated this twelfth day of November 2010
At The Hague
The Netherlands

[Seal of the Tribunal]