

4-03-69-T
D 46787 - D 46785
21 November 2012

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**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-03-69-T
Date: 21 November 2012
Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding
Judge Michèle Picard
Judge Elizabeth Gwaunza

Registrar: Mr John Hocking

Decision of: 21 November 2012

PROSECUTOR

v.

**JOVICA STANIŠIĆ
FRANKO SIMATOVIĆ**

PUBLIC

**DECISION ON PROSECUTION REQUESTS FOR
REPLACEMENTS CONCERNING TEN EXHIBITS**

Office of the Prosecutor
Mr Dermot Groome

Counsel for Jovica Stanišić
Mr Wayne Jordash
Mr Scott Martin

Counsel for Franko Simatović
Mr Mihajlo Bakrač
Mr Vladimir Petrović

I. PROCEDURAL HISTORY AND SUBMISSIONS OF THE PARTIES

1. On 8 October 2012, the Prosecution sought the replacement of ten redacted exhibits with corresponding non-redacted versions ("Motion").¹ The Prosecution further requested that the ten exhibits, once replaced and completed, be put provisionally under seal.² On 22 October 2012, the Stanišić Defence responded, not opposing the replacement of the redacted versions with non-redacted versions, but objecting to the Prosecution's inclusion of additional pages for three of the ten exhibits.³ The Simatović Defence did not respond to the Motion.

II. DISCUSSION

2. The Chamber has repeatedly emphasized its preference to receive non-redacted documents into evidence.⁴ The Defence does not object to any of these replacements. The Chamber will therefore allow the replacement of the redacted exhibits mentioned in the Motion with non-redacted versions.

3. In relation to exhibits D457, P2984, and P3042, the Chamber, after having reviewed the case record, notes that at the time of the documents' admission no submissions were made regarding the incompleteness of the English translations. Considering the current stage of the proceedings, the Chamber does not find it appropriate to add pages to exhibits under the cover of seeking replacements of redacted exhibits. Under these circumstances, the Chamber will not allow exhibits D457, P2984, and P3042 to be supplemented as suggested by the Prosecution.

III. DISPOSITION

4. For the foregoing reasons, the Chamber **GRANTS** the Motion **IN PART**,

INSTRUCTS the Prosecution to upload into eCourt non-redacted versions of exhibits D457, P2984, and P3042 without adding further pages to the exhibits;

¹ Prosecution Notice of Upload of Unredacted Personnel Files and Request for Replacement, 8 October 2012 (Confidential), paras 1, 3. The exhibits are P3009, D1410, D1409, D457, D459, P2984, P3021, P3038, P3041, and P3042. On 18 October 2012, through an informal communication, the Prosecution requested the replacement of exhibit P3038 with a more legible version thereof. Considering that P3038 is already part of the Motion, the Chamber considers this request moot.

² Motion, paras 1, 3, Annex A.

³ Stanišić Defence Response to Prosecution Notice of Upload of Unredacted Personnel Files and Request for Replacement, 22 October 2012 (Confidential), paras 4-5.

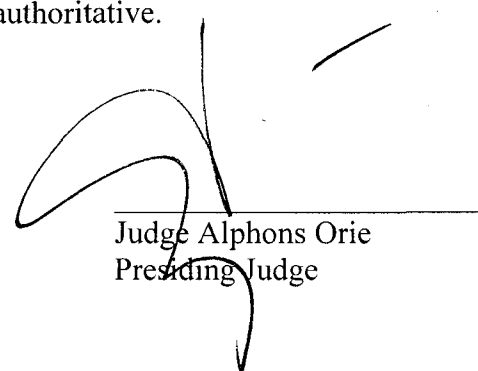
⁴ See e.g. T. 18690; Fifth Decision on Stanišić Defence Bar Table Motion of 17 February 2012, 24 May 2012, para. 9.

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REQUESTS the Registry to make the necessary replacements with regard to exhibits P3009, D1410, D1409, D457, D459, P2984, P3021, P3038, P3041, and P3042; and

DECIDES that exhibits P3009, D1410, D1409, D457, D459, P2984, P3021, P3038, P3041, and P3042 be placed provisionally under seal.

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



Judge Alphons Orie
Presiding Judge

Dated this Twenty-first day of November 2012
At The Hague
The Netherlands

[Seal of the Tribunal]