



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: 12 August 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:** 12 August 2010

**PROSECUTOR**

v.

**MOMČILO PERIŠIĆ**

***PUBLIC***

---

**DECISION ON THE DEFENCE MOTION TO LIFT  
PROTECTIVE MEASURES FOR DISCLOSURE BATCH  
410**

---

**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 Defence “Motion to Lift Protective Measures for Disclosure Batch 410”, filed confidentially on 25 May 2010 (“Motion to Lift”), in which the Defence requested the Trial Chamber to lift protective measures granted to materials contained in the disclosure batch 410;<sup>1</sup>

**NOTING** the Trial Chamber’s confidential “Order on Protective Measures for Disclosure Batch 410”, dated 13 April 2010, instructing the Defence not to disclose to the public the contents of materials contained in Prosecution’s disclosure batch 410;

**NOTING** the Trial Chamber’s “Decision on Prosecution Motion for Further Extension of Time to Respond to Defence Motion to Lift Protective Measures for Disclosure Batch 410”, issued confidentially on 2 July 2010, in which the Trial Chamber granted the Prosecution a deferral of its response to Motion to Lift until seven days after the Prosecution receives the final English translation of the disclosure batch 410 materials;

**NOTING** the “Prosecution’s Final Response to Defence Motion to Lift Protective Measures for Disclosure Batch 410”, filed confidentially on 26 July 2010, in which the Prosecution provides that upon a review of the English translation of the disclosure batch 410 materials, it has concluded that nothing in these materials might compromise the safety of the public or security of persons mentioned therein, and therefore it does not oppose the Motion to Lift;<sup>2</sup>

**CONSIDERING** that it is in the interests of justice to lift the protective measures from Disclosure Batch 410.

**PURSUANT TO** Articles 20, 21 and 22 of the Statute of the Tribunal and Rules 54 and 75 of the Rules of Procedure and Evidence, **HEREBY**

**GRANTS** the Motion to Lift.

---

<sup>1</sup> Order on Protective Measures for Disclosure Batch 410, issued confidentially on 13 April 2010 (Order).

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



---

Judge Bakone Justice Moloto  
Presiding Judge

Dated this twelfth day of August 2010

At The Hague

The Netherlands

**[Seal of the Tribunal]**

---

<sup>2</sup> Prosecution's Final Response to Defence Motion to Lift Protective Measures for Disclosure Batch 410, 26 July 2010, para. 4.