

**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-05-87-A  
Date: 5 April 2011  
Original: English

**IN THE APPEALS CHAMBER**

**Before:** Judge Liu Daqun, Pre-Appeal Judge  
**Registrar:** Mr. John Hocking  
**Order:** 5 April 2011

**PROSECUTOR**

v.

**NIKOLA ŠAINOVIĆ  
DRAGOLJUB OJDANIĆ  
NEBOJŠA PAVKOVIĆ  
VLADIMIR LAZAREVIĆ  
SRETEN LUKIĆ**

***PUBLIC***

**ORDER REGARDING THE ALTERATION OF THE STATUS  
OF EXHIBITS CONSISTING OF TRANSCRIPTS FROM  
ANOTHER CASE**

**The Office of the Prosecutor:**

Mr. Peter Kremer, QC

**Counsel for the Defence:**

Mr. Toma Fila and Mr. Vladimir Petrović for Mr. Nikola Šainović  
Mr. Tomislav Višnjić and Mr. Peter Robinson for Mr. Dragoljub Ojdanić  
Mr. John Ackerman and Mr. Aleksandar Aleksić for Mr. Nebojša Pavković  
Mr. Mihajlo Bakrač and Mr. Đuro Čepić for Mr. Vladimir Lazarević  
Mr. Branko Lukić and Mr. Dragan Ivetić for Mr. Sreten Lukić

**I, LIU DAQUN**, Judge of the Appeals 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 (“Appeals Chamber” and “Tribunal”, respectively), and Pre-Appeal Judge in this case;<sup>1</sup>

**NOTING** that unofficial and unrevised versions of transcripts from another case have been publicly admitted in the trial phase of the instant case as exhibits P02489, P02589, P03115, 1D00026, 1D00027 and 3D00505 (“Exhibits”) and that the Registry of the Tribunal (“Registry”) has advised the Appeals Chamber that the Exhibits contain confidential passages that have been redacted from the public record in the other case;<sup>2</sup>

**CONSIDERING** that exhibits containing passages from transcripts designated as confidential in another case shall not be publicly accessible<sup>3</sup> and that accordingly the Registry has not made the Exhibits available to the public;

**RECALLING** that by virtue of Rules 78 and 107 of the Rules, all proceedings before the Tribunal shall be public unless there are exceptional reasons for keeping them confidential;<sup>4</sup>

**CONSIDERING** that, in the circumstances, a public redacted version of the Exhibits is necessary;<sup>5</sup>

**PURSUANT** to Rules 54, 78 and 107 of the Rules;

**HEREBY ORDER** that the Registry, as soon as practicable, designate as confidential the Exhibits;

**ORDER** the Prosecution, Counsel representing Milan Milutinović during trial proceedings, and Counsel for Dragoljub Ojdanić, in close cooperation with the Registry, to provide public redacted versions of their respective exhibits, to upload them in the eCourt system by 4 May 2011, and to notify the Registry and the Appeals Chamber when they are uploaded;

**INSTRUCT** the Registry to assign, as soon as practicable, exhibit numbers to the public redacted versions of the Exhibits, and to file a notification indicating those exhibit numbers to both the Appeals Chamber and the parties in this case; and

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<sup>1</sup> *Prosecutor v. Milan Milutinović et al.*, Case No. IT-05-87-A, Order Appointing the Pre-Appeal Judge, 19 March 2009.

<sup>2</sup> Internal Correspondence, 5 May 2010 (confidential).

<sup>3</sup> See Rule 75(F)(i) of the Rules of Procedure and Evidence (“Rules”).

<sup>4</sup> See *Prosecutor v. Milan Lukić and Sredoje Lukić*, IT-98-32/1-AR65.1, Decision of Defence Appeal Against Trial Chamber’s Decision on Sredoje Lukić’s Motion for Provisional Release, 16 April 2007, fn. 2.

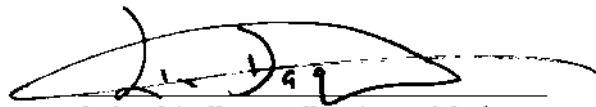
<sup>5</sup> Cf. *Prosecutor v. Milan Lukić and Sredoje Lukić*, IT-98-32/1-A, Order Regarding the Alteration of the Status of Exhibits Consisting of Transcripts From Other Cases, 3 December 2010, p. 1.

**INSTRUCT** the Registry to serve the Order to Counsel representing Milan Milutinović during trial proceedings.

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

Dated this fifth day of April 2011,

At The Hague,  
The Netherlands.



Judge Liu Daqun, Pre-Appeal Judge

**[Seal of the Tribunal]**