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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-98-32/1-A
Date: 6 September 2011
Original: English

BEFORE THE PRE-APPEAL JUDGE

Before: Judge Mehmet Güney, Pre-Appeal Judge
Registrar: Mr. John Hocking
Decision of: 6 September 2011

PROSECUTOR

v.

**MILAN LUKIĆ
SREDOJE LUKIĆ**

PUBLIC

**CLARIFICATION OF FURTHER ORDER ON DISCLOSURE
OF PORTIONS OF PRIVATE/CLOSED SESSION
TRANSCRIPTS**

The Office of the Prosecutor:

Mr. Peter Kremer

Counsel for Milan Lukić:

Mr. Tomislav Višnjić
Mr. Dragan Ivetić

Counsel for Sredoje Lukić:

Mr. Đuro J. Čepić
Mr. Jens Dieckmann

I, MEHMET GÜNEY, 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 the present case;

NOTING the confusion created by partly contradicting Trial Chamber orders with respect to which private/closed session sections of transcripts dated 27, 28, 29 August 2008 and 1, 3, 5 September 2008 (“Affected Transcripts”) should be made public;¹

NOTING that on 4 August 2011, I rendered the “Further Order on Disclosure of Portions of Private/Closed Session Transcripts” (“Order”) to clarify the issue;

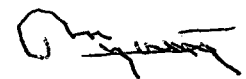
NOTING that prior to the rendering of the Order, the Registry informed the Appeals Chamber that there were no redaction orders related to the Affected Transcripts other than those mentioned in footnote 16 of the Order (“Redaction Orders”);

NOTING that subsequent to the rendering of the Order, the Registry has informed the Appeals Chamber that in fact, further in-session and post-session redaction orders exist in relation to the Affected Transcripts (“Additional Redaction Orders”) and that it consequently requested formal clarity from the Appeals Chamber in respect of the status of the Additional Redaction Orders;

PURSUANT TO RULES 54 AND 107 OF THE RULES,

CLARIFY that the Additional Redaction Orders remain in force.

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



Judge Mehmet Güney,
Pre-Appeal Judge

Dated this sixth day of September 2011
At The Hague,
The Netherlands

[Seal of the Tribunal]

¹ The Trial Chamber ordered on 22 January 2009 (*Prosecutor v. Milan Lukić and Sredoje Lukić*, Case No. IT-98-32/1-T, Order to Disclose Portions of the Transcript) and on 10 July 2009 (*Prosecutor v. Milan Lukić and Sredoje Lukić*, Case No. IT-98-32/1-T, Decision on Prosecution’s Motion to Change Private/Closed Session Testimony and 92 *ter* Statements Admitted Under Seal to Public Status) that certain private/closed session sections of trial transcripts be made public. These transcripts contain the testimonies of four protected witnesses: VG115 (27, 28 and 29 August 2008); VG038 (1 September 2008); VG013 (3 September 2008); VG018 (5 September 2008).