



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-04-74-A  
Date: 15 July 2014  
Original: English

IT-04-74-A  
A1041-A1039  
15 JULY 2014

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Aj

**IN THE APPEALS CHAMBER.**

**Before:** Judge Theodor Meron, Presiding  
Judge Carmel Agius  
Judge Patrick Robinson  
Judge Fausto Pocar  
Judge Liu Daqun

**Registrar:** Mr. John Hocking

**Order of:** 15 July 2014

**PROSECUTOR**

v.

**JADRANKO PRLIĆ  
BRUNO STOJIC  
SLOBODAN PRALJAK  
MILIVOJ PETKOVIĆ  
VALENTIN ĆORIĆ  
BERISLAV PUŠIĆ**

***PUBLIC***

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**ORDER ON RECLASSIFICATION OF AUDIO AND VIDEO  
RECORDINGS**

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**The Office of the Prosecutor:**

Mr. Douglas Stringer  
Mr. Mathias Marcussen

**Counsel for the Defence:**

Mr. Michael G. Karnavas and Ms. Suzana Tomanović for Mr. Jadranko Prlić  
Ms. Senka Nožica and Mr. Karim A. A. Khan for Mr. Bruno Stojic  
Mr. Slobodan Praljak  
Ms. Vesna Alaburić and Mr. Guénaél Mettraux for Mr. Milivoj Petković  
Ms. Dijana Tomašegović-Tomić and Mr. Dražen Plavec for Mr. Valentin Ćorić  
Mr. Fahrudin Ibrišimović and Mr. Roger Sahota for Mr. Berislav Pušić

**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);

**BEING SEISED OF** the “Registry Submission Requesting Reclassification of Audio and Video Recordings”, filed confidentially by the Deputy Registrar of the Tribunal (“Deputy Registrar”) on 5 June 2014 (“Request”), whereby the Deputy Registrar requests that the Appeals Chamber reclassify, as confidential, the public audio and video recordings of the testimonies of protected Witnesses BX and CD (“Witnesses”), dated 25 October 2006 and 22 November 2006 respectively (“Recordings”);<sup>1</sup>

**NOTING** that with respect to both Witnesses, and in advance of their respective testimonies, Trial Chamber III of the Tribunal granted the Office of the Prosecutor’s request for the protective measures of pseudonym and face distortion and *proprio motu* ordered the additional protective measure of voice distortion;<sup>2</sup>

**NOTING** that, upon review of the Recordings, the Registry of the Tribunal (“Registry”) ascertained that inadvertently the ordered protective measure of voice distortion had not been implemented;<sup>3</sup>

**NOTING** that according to the Deputy Registrar, it is technically not possible to implement voice distortion retroactively and, therefore, the only remedy available in order to protect the Witnesses’ voices from further public disclosure is to reclassify the Recordings as confidential;<sup>4</sup>

**NOTING** the Deputy Registrar’s suggestion that the Order be issued publicly so as to put on notice any individual or organisation in possession of the Recordings that the Recordings are confidential;<sup>5</sup>

**CONSIDERING** that the requested reclassification is necessary to ensure the implementation of the protective measures ordered for the Witnesses;

**PURSUANT** to Rules 54 and 107 of the Rules of Procedure and Evidence;

<sup>1</sup> Request, paras 1-3, 7.

<sup>2</sup> See *Prosecutor v. Jadranko Prlić et al.*, Case No. IT-04-74-T, T. 25 October 2006, pp. 8837-8839 (closed session) (Witness BX), T. 20 November 2006, p. 10326 (private session), and T. 22 November 2006, p. 10516 (private session) (Witness CD); *Prosecutor v. Jadranko Prlić et al.*, Case No. IT-04-74-T, Prosecution Motion for Protective Measures, Annex A, 17 November 2006 (confidential) (Witness CD).

<sup>3</sup> Request, paras 1-3.

<sup>4</sup> Request, para. 4. The Appeals Chamber notes that the public portions of the relevant transcripts would in any event remain available. See Request, fn. 4.

<sup>5</sup> Request, para. 5.

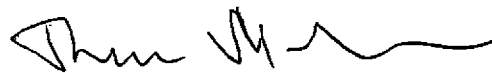
**HEREBY GRANTS** the Request; and

**ORDERS:**

- (i) the Registry to reclassify the Recordings as confidential; and
- (ii) that any person or organisation, including media organisations, in possession of the Recordings, whether in whole or in part, is hereby enjoined from disclosing them to any other person or organisation as of the filing date of this Order and is warned that any such disclosure may result in proceedings for contempt against the disclosing person(s) or organisation(s).

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

Done this 15th day of July 2014,  
At The Hague,  
The Netherlands.



Judge Theodor Meron  
Presiding Judge

**[Seal of the Tribunal]**