

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-98-29/1-A
Date: 10 February 2012
Original: English

IT-98-29/1-4
1877 - 4 1875
10 February 2012

1877
18.

IN THE APPEALS CHAMBER

Before: Judge Mehmet Güney, Presiding
Judge Fausto Pocar
Judge Liu Daqun
Judge Arlette Ramaroson
Judge Andréia Vaz

Registrar: Mr. John Hocking

Order of: 10 February 2012

PROSECUTOR

v.

DRAGOMIR MILOŠEVIĆ

PUBLIC

**ORDER LIFTING CONFIDENTIALITY OF THE "DECISION
ON URGENT PROSECUTION MOTION CONCERNING
PUBLIC FILINGS OF DRAGOMIR MILOŠEVIĆ" ISSUED ON
22 APRIL 2009**

The Office of the Prosecutor:

Mr. Paul Rogers

Counsel for Dragomir Milošević:

Mr. Branislav Tapušković
Ms. Branislava Isailović

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);

NOTING the “Order Assigning Judges to a Motion by the Prosecution” issued confidentially on 28 September 2011;

NOTING the “Order Replacing a Judge in a Case Before the Appeals Chamber”, issued confidentially on 24 November 2011, pursuant to which Judge Arlette Ramaroson was assigned to replace Judge Theodor Meron on the Bench seized of the present case;

NOTING the “Decision on Urgent Prosecution Motion Concerning Public Filings of Dragomir Milošević” issued confidentially by the Appeals Chamber on 22 April 2009 (“Decision”) in which Dragomir Milošević (“Milošević”) was ordered to make redactions to the public version of his appeal brief;

BEING SEISED of the “Prosecution Motion to Lift Confidential Status of the Appeals Chamber Decision of 22 April 2009”, filed confidentially by the Office of the Prosecutor (“Prosecution”) on 27 September 2011 (“Motion”);

NOTING that, in support of the Motion, the Prosecution argues that “the Decision provided general guidance as to the redactions that should be made to documents discussing confidential testimony or exhibits”, and that “[a]s this issue arises in virtually every case, the Decision should be made public”;¹

NOTING that the Prosecution further submits that “[t]he [Defence] appeal brief which revealed confidential information is no longer available to the public and has been replaced by a properly redacted version”, and that “while the Decision refers to a confidential document [...], it does not discuss its content”;²

NOTING that Milošević did not respond to the Motion;

CONSIDERING that the confidential information revealed in the Defence Appeal Brief is no longer publicly available;³

¹ Motion, para. 1.

² *Ibid.*, para. 2.

³ *Mémoire de l'appelant déposé par la Défense avec les annexes confidentiels [sic] A et B et annexes publics [sic] C et D*, 14 August 2008 (confidential) (“Defence Appeal Brief”). The Defence Appeal Brief was made confidential by an


CONSIDERING that all decisions filed before the Tribunal shall be public unless there are exceptional reasons for keeping them confidential;⁴

FINDING that there are no exceptional reasons for keeping the Decision confidential;

HEREBY GRANTS the Motion and **ORDERS** the Registrar to lift the confidential status of the Decision.

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

Dated this 10th day of February 2012,
at The Hague,
The Netherlands.



Judge Mehmet Güney
Presiding

[Seal of the Tribunal]

order of the Appeals Chamber. See Order on Urgent Prosecution Motion Concerning Public Filings of Dragomir Milošević, 26 March 2009 (confidential).

⁴ *Prosecutor v. Jovica Stanišić and Franko Simatović*, Case No. IT-03-69-AR73.3, Order Lifting Confidentiality, 10 June 2011; *Prosecutor v. Tihomir Blaškić*, Case No. IT-95-14-R, Order Withdrawing Confidential Status of Pre-Review Order and Decisions, 5 December 2005, p. 2 and references cited therein. See also *Prosecutor v. Ramush Haradinaj et al.*, Case No. IT-04-84-A, Decision on Lahi Brahimaj's Application for Provisional Release, 25 May 2009, para. 5 and references cited therein.