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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-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;¹

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;²

CONSIDERING that exhibits containing passages from transcripts designated as confidential in another case shall not be publicly accessible³ 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;⁴

CONSIDERING that, in the circumstances, a public redacted version of the Exhibits is necessary;⁵

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

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

² Internal Correspondence, 5 May 2010 (confidential).

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

⁴ 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.

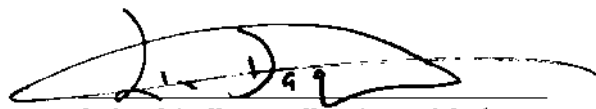
⁵ Cf. *Prosecutor v. Milan Lukić and Sredoje Lukić*, IT-98-32/1-A, Order Regarding the Alteration of the Status of Exhibits Consisting of Transcripts From Other Cases, 3 December 2010, p. 1.

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]