

Before: Judge Fausto Pocar, Presiding  
Judge Mehmet Güney  
Judge Liu Daqun  
Judge Andréia Vaz  
Judge Theodor Meron

15-98-2911-A  
A 1594- A 1593  
24 JULY 2009

Registrar: Mr. John Hocking

**Public Order**

The Prosecutor  
v.  
Dragomir Milošević

**Order to redact the public transcript  
and the public broadcast of a hearing**

The Appeals Chamber

( At the request of the Prosecutor / Defence and with the agreement of the parties )

ORDERS that the following highlighted text be omitted from the public transcript of this hearing and be edited from the public broadcast of this hearing.

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19 15:44:19 despite Dragomir Milosevic's explicit order to shell Hrasnica and cause
20 15:44:24 the greatest casualties, despite the targeting of market-places, food, and
21 15:44:31 water queues, the shooting of women and children, the Trial Chamber
22 15:44:36 inexplicably found that mitigating features existed. They credited him
23 15:44:43 as "a man of high moral values" an "altruist" a man who appeared
24 15:44:56 "somewhat troubled by what he was doing."
25 15:45:00 In our submission, it is plain that Dragomir Milosevic could
110:1 15:45:05 never merit accreditation as "an altruist" or a
2 15:45:13 values."
3 15:45:14 To credit him with altruism or with being a man of high moral
4 15:45:19 values as a mitigating factor in the face of his calculated disregard for
5 15:45:24 the welfare of the thousands of civilians in Sarajevo and the -- and
6 15:45:29 indeed the planned campaign of misery and terror is plainly an error.
7 15:45:37 Altruism defined in Webster's dictionary as "uncalculated consideration
8 15:45:56 of, regard for, or devotion to others' interests sometimes in accordance
9 15:45:56 with an ethical principle" would appear to be wholly misplaced as a
10 15:46:08 descriptor for him.
11 15:46:10 Likewise we submit the Trial Chamber was clearly wrong to give
12 15:46:13 credit to Dragomir Milosevic for appearing to be "somewhat troubled by
13 15:46:17 what he was doing." It is unclear whether the Trial Chamber accepted he
14 15:46:21 was troubled or that it accepted someone suggested he was troubled.
15 15:46:25 In any event the context of the statement transcript 1783 shows
16 15:46:30 the reference to being troubled was because his actions may have a
17 15:46:34 consequence for him, that is, he would not see his daughter again who
18 15:46:39 [REDACTED] He was clearly not troubled for the
19 15:46:43 suffering of his victims. Indeed his intent to terrorise the population
20 15:46:46 of an entire city through sniping, using mortars and such indiscriminate
21 15:46:55 weapons as air bombs, together with his explicit order to use such
22 15:46:59 weapons to cause maximum casualties, demonstrates that such a positive
23 15:47:03 finding could not have been established on a balance of probabilities.
24 15:47:06 Further, to credit him with any mitigation for his role in
25 15:47:13 negotiating an anti-sniping agreement, which itself was only necessary
111:1 15:47:18 because of his continuation of this unlawful acts ignores the entire
2 15:47:24 purpose of the findings relating to the campaign of sniping.
3 15:47:27 In any event, within days of the agreement, Exhibit P6, an
4 15:47:35 INPROFOR report, records Serbs wounding civilians on the 22nd and 30th of

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The blacked-out text, as identified by the passages prior and subsequent thereto, is confidential. Any person or organization, including media organizations, which has possession of the public recording of all or the relevant portion of the proceeding containing the confidential information is hereby enjoined from disclosing it to any other person(s) or organization(s) as of the date and time this order is received. The failure to conform may result in contempt charges being issued by the Tribunal against the disclosing person or organization.

Fausto Pocar  
Presiding Judge