



International Tribunal for the Prosecution of
Persons Responsible for Serious Violations of
International Humanitarian Law Committed in
the Territory of Former Yugoslavia since 1991

Case No. IT-04-81-T

Date: 23 June 2011

Original: English

IN TRIAL CHAMBER I

Before: Judge Bakone Justice Moloto, Presiding
Judge Pedro David
Judge Michèle Picard

Registrar: Mr. John Hocking

Decision of: 23 June 2011

PROSECUTOR

v.

MOMČILO PERIŠIĆ

PUBLIC

**DECISION ON PROSECUTION'S REQUEST FOR
CHANGE IN STATUS OF CERTAIN EXHIBITS
ADMITTED UNDER SEAL**

The Office of the Prosecutor

Mr. Mark Harmon

Counsel for the Accused

Mr. Novak Lukić
Mr. Gregor Guy-Smith

TRIAL CHAMBER I (“Trial 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 (“Tribunal”);

BEING SEISED of the Prosecution’s “Request for Change in Status of Certain Transcripts and an Exhibit”, filed confidentially on 9 June 2011 (“Request”), whereby the Prosecution requests the Trial Chamber to change the status of the following documents by:

1. Making public the portions of the testimony of Miodrag Starčević initially marked as private or closed session due to references to exhibits which were under seal but have now been made public;¹
2. Changing back to confidential the portions of the testimony of witness MP-80 relating to exhibit P2620 which the Prosecution inadvertently requested be made public;² and
3. Making public exhibit P1854 which was inadvertently tendered under seal and the relevant transcript pages of the testimony associated with it, as identified in the Request;³

RECALLING the general importance in maintaining the proceedings public, in accordance with Articles 20(4), 21(2) of the Statute of the Tribunal (“Statute”);

CONSIDERING that the Trial Chamber is not aware of any reasons justifying keeping exhibit P1854 and the portions of the transcripts associated with it, as well as the portions of the testimony of Miodrag Starčević identified in the Request, as confidential;

FURTHER RECALLING the Trial Chamber’s duty to protect its witnesses in accordance with Article 22 of the Statute and the protective measures of pseudonym and closed session granted to MP-80;⁴

FOR THE FOREGOING REASONS,

PURSUANT to Articles 20(4), 21(2) and 22 of the Statute and Rule 54 of the Rules of Procedure and Evidence,

GRANTS the Request;

¹ Request, para. 2.

² Request, para. 3.

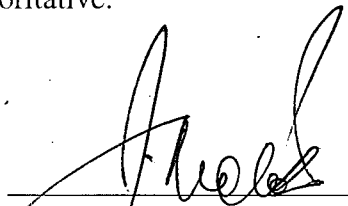
³ Request, para. 4.

⁴ Oral Ruling of 20 July 2009, T. 8226.

REQUESTS the Registrar of the Tribunal to reclassify as public the status of exhibit P1854 and the relevant portions of the transcripts associated with it, as well as the portions of the testimony of Miodrag Starčević, as identified in the Request;

REQUESTS the Registrar of the Tribunal to classify the portions of the testimony of witness MP-80 identified in the Request, together with their corresponding audio-video recording, as confidential.

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



Judge Bakone Justice Moloto
Presiding Judge

Dated this twenty-third day of June 2011

At The Hague

The Netherlands

[Seal of the Tribunal]