

IT-03-69-T
D22105-D22103
26 May 2010

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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-03-69-T
Date: 26 May 2010
Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding
Judge Michèle Picard
Judge Elizabeth Gwaunza

Registrar: Mr John Hocking

Decision of: 26 May 2010

PROSECUTOR

v.

**JOVICA STANIŠIĆ
FRANKO SIMATOVIĆ**

PUBLIC

**DECISION ON PROSECUTION REQUESTS FOR STATUS
CHANGES TO THE TRIAL RECORD AS A RESULT OF THE
CHAMBER'S DECISION ON SERBIA'S MOTION FOR
PROTECTIVE MEASURES OF 3 NOVEMBER 2009**

Office of the Prosecutor

Mr Dermot Groome

Counsel for Jovica Stanišić

Mr Geert-Jan Alexander Knoops
Mr Wayne Jordash

Counsel for Franko Simatović

Mr Mihajlo Bakrač
Mr Vladimir Petrović

TRIAL CHAMBER I 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 (“Chamber”);

BEING SEISED of two Prosecution reports to the Chamber on the status of exhibits, filings or parts of the trial transcript, filed on 17 November 2009 and 11 December 2009,¹ wherein the Prosecution requests: (a) an amendment of the status of four currently confidential passages of the transcript;² (b) an amendment of the status of three currently confidential slides of the Prosecution’s opening statement on the public audio-visual tapes;³ and (c) the redaction and subsequent unsealing of currently confidential slide 64 of the Prosecution’s opening statement on the public audio-visual tapes;

NOTING that neither the Republic of Serbia (“Serbia”) nor the Defence have made submissions in relation to these requests;

RECALLING the Chamber’s Interim Order Redacting Transcript and Trial Video, issued on 19 June 2009 (“Interim Order”), wherein it ordered redactions to the transcript and the audio-visual recordings of the Prosecution’s opening statement;

RECALLING the Chamber’s Second Decision on the Republic of Serbia’s Motion for Protective Measures, issued on 3 November 2009 (“Decision”), wherein it partially granted Serbia’s request for protective measures;

FINDING that as a consequence of the Decision certain status changes to the trial record are warranted;

FURTHER FINDING that the passage at transcript pages 1805-1807 refers to exhibit P19 which is part of an application for protective measures on which there is ongoing litigation before the Chamber;⁴

PURSUANT to Rule 54 of the Tribunal’s Rules of Procedure and Evidence;

¹ Prosecution Report to Trial Chamber on Status of Exhibits, Filings or Parts of Trial Transcript in Relation to the Second Decision on the Republic of Serbia’s Motion for Protective Measures, 17 November 2009; Prosecution Second Report to Trial Chamber on Status of Exhibits, Filings or Parts of Trial Transcript in Relation to the Second Decision on the Republic of Serbia’s Motion for Protective Measures, 11 December 2009 (“Second Report”).

² T. 1464:12-1465:6; 1492:11-20; 1526:17-1527:3; 1805-1807.

³ Slides 25, 26, and 128.

⁴ See e.g. Prosecution Report on Exhibit P19 and Status of Protective Measures for Exhibits Received Pursuant to RFA 1333 and RFA 1338, 1 March 2010; The Republic of Serbia’s Reply on Prosecution’s Report on Exhibit P19 and Status of Protective Measures for Exhibits Received Pursuant to RFA 1333 and RFA 1338 from 26 February 2010, 9 April 2010.

HEREBY GRANTS the Prosecution's requests in part;

ORDERS the Registry to

- a) retract all redactions made pursuant to the Interim Order; and
- b) replace the image of slide 64 of the Prosecution's opening statement on the public audio-visual tape of the sessions on 9 and/or 10 June 2009 in the present case in accordance with the annex to the Prosecution's Second Report;

DEFERS its decision on the unsealing of transcript pages 1805-1807.

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



Judge Alphons Orié
Presiding Judge

Dated this twenty-sixth day of May 2010
At The Hague
The Netherlands

[Seal of the Tribunal]