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| Case Name/ Affaire : | Prosecutor v. Mladen Naletilić and Vinko Martinović | | Case Number/ Affaire n° : MICT-15-86 |
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Rev: April 2014/Rév. : Avril 2014

**UNITED
NATIONS**



Mechanism for International Criminal Tribunals

Case No.: MICT-15-86

Date: 1 September 2016

Original: English

BEFORE A SINGLE JUDGE

Before: Judge Prisca Matimba Nyambe
Registrar: Mr. John Hocking
Decision of: 1 September 2016

PROSECUTOR

v.

**MLADEN NALETILIĆ
VINKO MARTINOVIĆ**

PUBLIC

**DECISION ON THE REGISTRAR'S REQUEST
TO RECLASSIFY EXHIBITS**

I. PRISCA MATIMBA NYAMBE, Judge of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) and Single Judge in this case;¹

BEING SEISED OF the “Registrar’s Request for Appointment of Single Judge to Order the Reclassification of Exhibits”, filed confidentially and *ex parte* on 24 August 2016 (“Request”), in which the Registrar requests the reclassification of 18 exhibits, and their translations, in the case of *Prosecutor v. Mladen Naletilić and Vinko Martinović*, Case No. IT-98-34-T (“*Naletilić and Martinović case*”);²

NOTING that the Registrar submits that confidential information, revealing the identity of protected witnesses, has been identified in the public record of the *Naletilić and Martinović case*, namely in exhibits PP456.1, PP554.1, PP562.1, PP563.1, PP620.4, PP621.1, PP624.1, PP628.1, PP628.2, PP657.1, PP686.2, PP698.1, PP699.1, PP700.2, PP702.2, PP731.01, PP761.1, and PP929 (collectively, “Exhibits”);³

NOTING that, in order to remove this information from the public domain, the Registrar requests a public judicial order to reclassify the Exhibits, and their translations, from public to confidential;⁴

NOTING further that, pending the determination of the Request, the Registry has temporarily removed the Exhibits from the public record;⁵

CONSIDERING that, under Rule 86(A) of the Rules of Procedure and Evidence of the Mechanism (“Rules”), a Single Judge may “order appropriate measures for the privacy and protection of victims and witnesses, provided that the measures are consistent with the rights of the accused”;⁶

CONSIDERING that the Request does not seek to rescind, vary, or augment protective measures in effect, but rather seeks to ensure their full implementation;

FINDING that the requested reclassification is necessary to ensure the full implementation of protective measures in effect;

PURSUANT TO Article 20 of the Statute of the Mechanism and Rules 55 and 86(A) of the Rules;

HEREBY GRANT the Request; and

¹ Order Assigning a Single Judge to Consider Registrar’s Request, 30 August 2016 (confidential and *ex parte*), p. 1.

² Request, paras. 1, 5.

³ Request, paras. 1, 3, 4.

⁴ Request, paras. 1, 5, 6.

⁵ Request, para. 7. *See also* Article 13(1) of the Practice Direction on Filings Made before the Mechanism.

⁶ *See also* Rule 2(C) of the Rules.


ORDER:

(i) the Registrar to change the classification of exhibits PP456.1, PP554.1, PP562.1, PP563.1, PP620.4, PP621.1, PP624.1, PP628.1, PP628.2, PP657.1, PP686.2, PP698.1, PP699.1, PP700.2, PP702.2, PP731.01, PP761.1, and PP929 in the *Naletilić and Martinović* case, and their translations, from public to confidential;

(ii) that any person or organisation, including media organisations, in possession of exhibits PP456.1, PP554.1, PP562.1, PP563.1, PP620.4, PP621.1, PP624.1, PP628.1, PP628.2, PP657.1, PP686.2, PP698.1, PP699.1, PP700.2, PP702.2, PP731.01, PP761.1, and PP929 in the *Naletilić and Martinović* case, or their translations, whether in whole or in part, is enjoined from disclosing them to any other person or organisation, and is warned that any such disclosure may result in proceedings for contempt by the Mechanism against the disclosing person(s) or organisation(s).

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

Done this 1st day of September 2016,
At The Hague,
The Netherlands.


Prisca Matimba Nyambe
Single Judge.

[Seal of the Mechanism]