



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-02-54-T-R77.4
Date: 26 April 2005
Original: English

IN THE TRIAL CHAMBER

Before: Judge Patrick Robinson, Presiding
Judge O-Gon Kwon
Judge Iain Bonomy

Registrar: Mr. Hans Holthuis

Decision of: 26 April 2005

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

CONTEMPT PROCEEDINGS AGAINST KOSTA BULATOVIĆ

**ORDER ON DEFENCE MOTION FOR ACCESS TO
ALL CONFIDENTIAL AND *EX PARTE* MATERIAL
RELATED TO THE MAGLOV CONTEMPT PROCEEDINGS**

Office of the Prosecutor:

Mr. Mark McKeon

Counsel for Mr. Kosta Bulatović:

Mr. Stéphane Bourgon, Duty Counsel

Counsel for Accused Brđanin:

Mr. John Ackerman

THIS 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 (“International Tribunal”),

BEING SEISED OF a “Defence Motion on Behalf of Kosta Bulatović for Access to All Confidential and *Ex Parte* Material Related to the Maglov Contempt Proceedings”, filed on 25 April 2005 (“Request for Access to Maglov Material”), in which Duty Counsel for Kosta Bulatović (“Applicant”) argues that the requirements for access to confidential material from other proceedings have been met,

CONSIDERING that although a party is always entitled to seek material from any source to assist in the preparation of its case, its request must satisfy certain criteria: the document sought must be identified or described by its general nature; a legitimate forensic purpose for such access must be shown; and if access to confidential material from another case is requested, the party seeking it must establish that it may be of material assistance to its case,¹

CONSIDERING that the relevance of the material sought by a party may be determined by showing the existence of a nexus between the applicant’s case and the cases from which such material is sought,

CONSIDERING that the Request for Access to Maglov Material has not shown a satisfactory nexus between the Applicant’s case and the contempt proceedings against Ms. Maglov, nor has it demonstrated a substantial material overlap between the two cases,²

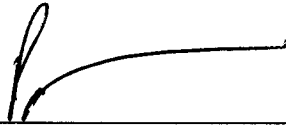
PURSUANT TO Rules 54 and 75 of the Rules,

HEREBY DENIES the Request for Access to Maglov Material.

¹ See *Prosecutor v. Blaškić*, Case No. IT-95-14-A, “Decision on Appellants Dario Kordić and Mario Čerkez’s Request for Assistance of the Appeals Chamber in Gaining Access to Appellate Briefs and Non-Public Post Appeal Pleadings and Hearing Transcripts Filed in the *Prosecutor v. Blaškić* [Case]”, 16 May 2002, at para. 14.

² See *Prosecutor v. Kordić and Čerkez*, Case No. IT-95-14/2-A, “Decision on Motion by Hadžihasanović, Alagić and Kubura for Access to Confidential Supporting Material, Transcripts and Exhibits in the Kordić and Čerkez Case”, 23 January 2003, at p. 4.

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



Judge Robinson
Presiding

Dated this twenty-sixth day of April 2005
At The Hague
The Netherlands

[Seal of the Tribunal]