



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-95-5/18-T

Date: 20 March 2015

Original: English

IN THE TRIAL CHAMBER

Before: Judge O-Gon Kwon, Presiding Judge
Judge Howard Morrison
Judge Melville Baird
Judge Flavia Lattanzi, Reserve Judge

Registrar: Mr. John Hocking

Decision of: 20 March 2015

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**DECISION ON ACCUSED'S REQUEST FOR PUBLIC REDACTED VERSION OF
NINETY-THIRD DISCLOSURE VIOLATION DECISION**

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildgard Uertz-Retzlaff

The Accused

Mr. Radovan Karadžić

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 (“Tribunal”);

BEING SEISED OF the Accused’s “Request for Filing of Public Redacted Version of Decision of 13 October 2014”, filed confidentially on 3 March 2015 (“Request”) wherein the Accused requests that the Chamber issue a public redacted version of the confidential “Decision on Accused’s Ninety-Third Disclosure Violation Motion”, dated 13 October 2014 (“Decision”);¹

NOTING the Accused’s submission that the Decision forms an important part of international criminal jurisprudence as it emphasises the disclosure obligations of the Office of the Prosecutor (“Prosecution”) with respect to material provided under Rule 70 of the Tribunal’s Rules of Procedure and Evidence (“Rules”) and issuing a public redacted version of the Decision would allow him to refer to it in any appeal;²

NOTING the “Prosecution Response to Request for Filing of Public Redacted Version of Decision of 31 October 2014”, filed confidentially on 13 March 2015 (“Response”), wherein the Prosecution argues that, although it is not opposed in principle to the issuance of a public redacted version of the Decision, the Request should be denied because the Accused’s proposed redactions are not sufficient to respect the confidential Rule 70 information;³

CONSIDERING further that save for portions which should remain under seal in accordance with Rule 70 of the Rules, it is in the interests of justice and of a public trial that the Decision be made public;

PURSUANT TO Rule 54 of the Tribunal’s Rules of Procedure and Evidence,

HEREBY:

- a. **GRANTS** the Request in part;
- b. **DECIDES** that it shall issue a public redacted version of the Decision;

¹ Request, paras. 1, 4, Confidential Annex A. The Accused submits that the proposed redactions ensure that the matters which the Chamber indicated should not be made public, remain confidential.

² Request, paras. 2–3.

³ Response, paras. 1–3.

- c. **ORDERS** the Registry to reclassify the Request as public, while maintaining the confidentiality of Annex A to the Request; and
- d. **ORDERS** the Prosecution to file a public redacted version of the Response as soon as practicable.

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



Judge O-Gon Kwon, Presiding

Dated this twentieth day of March 2015
At The Hague
The Netherlands

[Seal of the Tribunal]