

IT-03-69-T
D4-1/25782 BIS
03 November 2010

4/25782 BIS

UNITED
NATIONS

~~IT-03-67-T~~
~~D4-1/49887BIS~~
~~03 November 2010~~

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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-03-67-T

Date: 27 October 2010

Original: ENGLISH
French

IN TRIAL CHAMBER III

Before: Judge Jean-Claude Antonetti, Presiding
Judge Frederik Harhoff
Judge Flavia Lattanzi

Registrar: Mr John Hocking

Decision of: 27 October 2010

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ

Public document

**DECISION ON THE REQUEST OF JOVICA STANIŠIĆ FOR PUBLIC TRIAL
EXHIBITS IN THE ŠEŠELJ CASE (IT-03-67)**

The Office of the Prosecutor

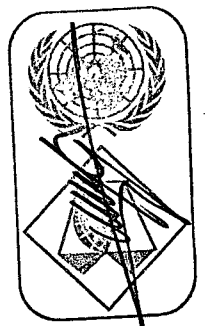
Mr Mathias Marcussen

The Accused

Mr Vojislav Šešelj

Counsel for Jovica Stanišić

Mr. Geert-Jan Alexander Knoops
Mr Wayne Jordash



TRIAL CHAMBER III ("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");

SEIZED of a request by the Counsel for Jovica Stanišić ("Applicant"), an Accused in Case No. IT-03-69, *Prosecutor v. Stanišić and Simatović* ("Stanišić and Simatović Case"), filed publicly on 27 September 2010, seeking access to public exhibits presented during this case ("Request"),¹

NOTING the response filed publicly by the Office of the Prosecutor ("Prosecution") on 6 October 2010, in which the Prosecution points out that it does not oppose the Request,²

NOTING Article 21 (2) of the Statute of the Tribunal ("Statute"), establishing the right of all accused before the Tribunal to a public trial, subject to the provisions governing the protection of victims and witnesses,

NOTING Article 21 (4) (b) of the Statute establishing the right of all accused before the Tribunal to adequate time and facilities for the preparation of their defence,

NOTING the Decision of 24 April 2008, in which the Chamber established the existence of a nexus between the *Stanišić and Simatović* case and this case, and authorised the disclosure of certain confidential *inter partes* documents to the Applicant ("Decision of 24 April 2008"),³

NOTING the Decision of 18 September 2008 in which the Chamber decided to stay its ruling on any public request to obtain access to exhibits tendered into evidence until the end of the trial, with the exception of requests from the accused before the Tribunal or national courts who might need them for the preparation of their defence,⁴

¹ "Request of Jovica Stanišić for Public Trial Exhibits in the Šešelj Case", public, 27 September 2010 ("Request").

² "Prosecution Response to Jovica Stanišić's Request for Public Trial Exhibits in the Šešelj Case", public, 6 October 2010 ("Response").

³ "Decision on Stanišić Motion for Access to Confidential Materials in the Šešelj Case Pursuant to Rule 75(G)(i)", public, 24 April 2008 ("Decision of 24 April 2008").

⁴ "Decision Regarding Public Access to Trial Exhibits", public, 18 September 2008.

CONSIDERING that Vojislav Šešelj ("Accused") did not respond to the Request within 14 days of the receipt of the BCS version, as prescribed by Rule 126 *bis* of the Rules of Procedure and Evidence ("Rules"),⁵

CONSIDERING that, nevertheless, during the hearing of 30 March 2010, the Accused indicated to the Chamber that, in principle, he did not oppose the disclosure of documents related to this case when the disclosure was sought by the defence team of another accused before the Tribunal,⁶

CONSIDERING that, in support of his Request, the Applicant indicates he is repeating the same arguments he elaborated upon in his previous request and which resulted in the Decision of 24 April 2008 on access to confidential documents,⁷

CONSIDERING that the Chamber deems that access to public exhibits from this case may help the Applicant in the preparation of his case,

FOR THE FOREGOING REASONS

PURSUANT TO Articles 21(2) and 21(4)(b) of the Statute and Rules 54 and 73 of the Rules,

GRANTS the Request,

AUTHORIZES the Registry to grant the Applicant immediate access to public exhibits presented in this case.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

⁵ The Accused received the BCS version of the Request on 1 October 2010 (see the record of receipt filed on 7 October 2010) and the BCS version of the Response on 14 October 2010 (see the record of receipt filed on 19 October 2010).

⁶ Hearing of 30 March 2010, T(F), p. 15862.

⁷ Request, para. 2; see also "Defence for Stanišić Motion For Access to Confidential Testimony and Exhibits in the Šešelj Case Pursuant to Rule 75(G)(i)", public, 19 March 2008.

Done this twenty-seventh day of October 2010
At The Hague
The Netherlands

[Seal of the Tribunal]

