



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: 23 November 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: 23 November 2010

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC DOCUMENT

**DECISION ON PROSECUTION REQUEST TO REMOVE REDACTIONS
FROM THE REDACTED VERSION OF THE DECISION ON FINANCING
OF DEFENCE FILED ON 2 NOVEMBER 2010**

The Office of the Prosecutor

Mr Matthias Marcussen

The Accused

Mr Vojislav Šešelj

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 the oral request by the Office of the Prosecutor (“Prosecution”) during the public hearing of 2 November 2010 to lift the confidentiality of the redacted passages of the “Redacted Version of the ‘Decision on Financing of Defence’, filed on 29 October 2010”, filed publicly on 2 November 2010 (respectively, “Public Decision of 2 November 2010” and “Request”),

NOTING Article 20(1) of the Statute, by virtue of which the Chamber must ensure that the rights of the Accused receive full respect,

CONSIDERING that the Prosecution contends that the public ought to be able to understand the Chamber’s logic,¹

CONSIDERING that during the hearing of 2 November 2010, after bringing its Request, the Prosecution signalled to the Chamber that it received a copy of the Public Decision of 2 November 2010 and informed the Chamber that it maintained its Request on grounds that, as it said, in its entirety, the said decision needed to be public,²

CONSIDERING that the Accused did not contest the Request,³

CONSIDERING that the Chamber considers that the redactions made in the Public Decision of 2 November 2010 do not in any way prevent the public from fully understanding the logic followed by the Chamber,

¹ The Chamber points out that the Prosecution bases itself for the benefit of its Request on an unredacted public decision rendered in the case of *The Prosecutor v. Momčilo Krajišnik*, Case No. IT-0-39-PT (“Krajišnik Case”), on 20 January 2004, concerning the same issue (see *The Prosecutor v. Momčilo Krajišnik*, Case No. IT-0-39-PT, “Decision on the Defence’s Motion for an Order Setting Aside the Registrar’s Decision Declaring Momčilo Krajišnik Partially Indigent for Legal Aid Purposes”, public document, 20 January 2004).

² Hearing of 2 November 2010, T(F). 16458-16459, 16483.

³ Hearing of 2 November 2010, T(F). 16450-16451.

CONSIDERING moreover that the redactions made in the Public Decision of 2 November 2010 are justified by the imperative of respecting the confidential nature of certain information relating particularly to the private life of the Accused and those close to him,

FOR THE FOREGOING REASONS,

PURSUANT TO Article 20(1) of the Statute and Rule 73(A) of the Rules of Procedure and Evidence,

DENIES the Request.

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

 /signed/
Jean-Claude Antonetti
Presiding Judge

Done this twenty-third day of November 2010
At The Hague
The Netherlands

[Seal of the Tribunal]