



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-05-88/2-PT

Date: 27 January 2010

Original: English

IN TRIAL CHAMBER II

Before: Judge Christoph Flügge, Presiding
Judge Antoine Kesia-Mbe Mindua
Judge Prisca Matimba Nyambe

Registrar: Mr. John Hocking

Decision of: 27 January 2010

PROSECUTOR

v.

ZDRAVKO TOLIMIR

PUBLIC

DECISION ON REGISTRY SUBMISSION PURSUANT TO RULE 33(B)

Office of the Prosecutor

Mr. Peter McCloskey

The Accused

Zdravko Tolimir

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 “Registry Submission Pursuant to Rule 33(B)”, filed *ex parte* and confidentially on 18 December 2009 (“Registry Submission”);

NOTING the “Decision on Tolimir’s Motions for Access to Confidential Material in the Krstić Case and the Blagojević and Jokić Case with Partially Dissenting Opinion of Judge Kwon”, issued on 8 July 2009 (“Decision”), in which the Trial Chamber ordered, *inter alia*, that:

- (1) the Registry provide access for Tolimir and his defence team, subject to Rule 70 consent where applicable, and with the exception of material related to personal information about Krstić, Blagojević and Jokić and their family members, to all *inter partes* confidential material in the trial and appellate proceedings of the *Krstić* and the *Blagojević* cases;
- (2) to the extent possible, the Registry shall identify material related to personal information about Krstić, Blagojević and Jokić and their family members and shall not disclose such material to Tolimir and his defence team;¹

NOTING that the Registry has identified and submitted the pages that it considers may contain personal information and seeks the guidance of the Trial Chamber as to how to proceed and “[i]n particular, [...] requests the Trial Chamber to review the provided material and advise which material thereof, if any, contains information which falls within the Chamber’s direction that material information about Krstić, Blagojević and Jokić and their family members not be disclosed”;²

CONSIDERING that in the circumstances it is in the interests of justice for the Registry to be given guidance on the identification of personal information about Krstić, Blagojević and Jokić and their family members;

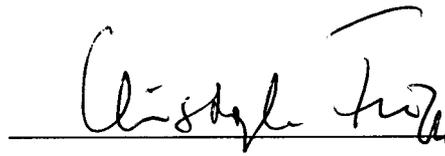
PURSUANT TO Rule 54 of the Rules of Procedure and Evidence;

HEREBY ORDERS that the Registry consult with Krstić, Blagojević and Jokić and/or their counsel in the identification of material related to personal information.

¹ Decision, para. 16.

² Registry Submission, para. 4.

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



Christoph Flügge
Presiding Judge

Dated this 27th day of January 2010
At The Hague
The Netherlands

[Seal of the Tribunal]