



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-PT

Date: 3 July 2009

Original: English

IN THE TRIAL CHAMBER

Before: Judge Iain Bonomy, Presiding
Judge Christoph Flügge
Judge Michèle Picard

Registrar: Mr. John Hocking

Decision of: 3 July 2009

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**DECISION ON MOTION TO MODIFY DECISION RE ACCESS BY KARADŽIĆ TO
CONFIDENTIAL MATERIALS IN COMPLETED CASES**

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard 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 (“the International Tribunal”),

BEING SEISED of the “Prosecution’s Notification of Compliance and Motion to Modify Decision Re Access by Karadžić to Confidential Materials in Completed Cases (Prosecutor v. Dragan Obrenović–IT-02-60/2)”, filed by the Office of the Prosecutor (“Prosecution”) on 26 June 2009 (“Motion”), in which the Prosecution requests the Trial Chamber to modify the “Decision on Motion for Access to Confidential Material in Completed Cases” of 5 June 2009 (“Decision”) in relation to access to confidential materials in completed cases so as to conform to a decision of Trial Chamber II,

NOTING the “Decision on Pandurević Motion for Access to Confidential Material in *Prosecutor v. Obrenović*” of 19 July 2007 in *Prosecutor v. Popović et al.*, in which Trial Chamber II granted access to all the accused to confidential materials in the *Obrenović* case, but, at the same time, denied access to materials from that case “limited strictly to the security issues faced by Obrenović’s family as a result of his decision to plead guilty” and those merely “identifying additional individuals who may be called upon as witnesses to testify to Obrenović’s good character”,¹

NOTING that the Accused has informed the Trial Chamber that he does not oppose the Motion,²

CONSIDERING that the Chamber inadvertently included the documents from the *Obrenović* case listed in the *ex parte* Annex to the Motion in the material to be provided to the Accused, in its Decision,

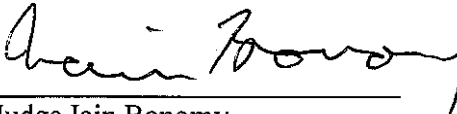
PURSUANT TO Rules 54 and 75 of the Rules of Procedure and Evidence of the Tribunal,

¹ *Prosecutor v. Popović, Beara, Nikolić, Borovčanin, Miletić, Guero, Pandurević*, Case No. IT-05-88-T, Decision on Pandurević Motion for Access to Confidential Material in *Prosecutor v. Obrenović*, 19 July 2007, p. 6.

² Status Conference, T. 326 (1 July 2009).

HEREBY GRANTS the Motion so that the Accused is denied access to those documents from the *Obrenović* case listed in the *ex parte* Annex to the Motion.

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



Judge Iain Bonomy

Dated this third day of July 2009
At The Hague
The Netherlands

[Seal of the Tribunal]