



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: 12 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: 12 March 2015

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**DECISION ON ACCUSED'S REQUEST FOR PUBLIC REDACTED VERSION OF
DECISION RELATING TO WITNESS KDZ080**

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 (“Tribunal”);

BEING SEISED OF the Accused’s “Request for Filing of Public Redacted Version of Decision of 3 July 2013”, filed confidentially on 19 February 2015 (“Request”) wherein the Accused requests that the Chamber issue a public redacted version of the confidential “Decision on Accused’s Motion to Recall KDZ080 and for Rescission of Protective Measures”, dated 3 July 2013 (“Decision”);¹

NOTING the Accused’s submission that the Decision forms an important part of international criminal jurisprudence as it is one of the rare instances in which a witness’s protective measures have been rescinded absent the consent of the witness, and further that the parties may wish to cite to the Decision during the appeals phase of these proceedings;²

NOTING further that in the Request, the Accused also requests that the Chamber order the reclassification of the Request, should it be granted;³

NOTING the “Prosecution Response to Request for Filing of Public Redacted Version of Decision of 3 July 2013”, filed confidentially on 2 March 2015 (“Response”), wherein the Office of the Prosecutor (“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 incomplete and not sufficient to respect the protective measures for witness KDZ080 (“Witness”) imposed in prior cases;⁴

NOTING that in the Decision, the Chamber rescinded the protective measures previously granted to the Witness for the purposes of the present case and maintained the confidentiality of certain portions of the Witness’s evidence in this case to preserve the protective measures granted to the Witness in prior cases;⁵

¹ Request, para. 1, Confidential Annex A.

² Request, paras. 2–3.

³ Request, para. 5.

⁴ Response, paras. 1–3.

⁵ Decision, paras. 16–17, 19–21, 24(a).

CONSIDERING further that save for portions which may compromise the Witness's protective measures in previous cases, 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;
- c. **ORDERS** the Registry to reclassify the Request as public; and
- d. **INVITES** the Prosecution to file a public redacted version of the Response as soon as practicable, should it wish to do so.

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



Judge O-Gon Kwon, Presiding

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

[Seal of the Tribunal]