



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-08-91-A
IT-95/5-18-T
Date: 29 January 2014
Original: English

IT-08-91-A
A4787-A4785
29 January 2014
4787
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IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Presiding Judge
Registrar: Mr John Hocking
Order of: 29 January 2014

PROSECUTOR

v.

**MIĆO STANIŠIĆ
STOJAN ŽUPLJANIN**

PUBLIC

**ORDER CONCERNING RADOVAN KARADŽIĆ'S MOTION
FOR ACCESS TO AUDIO RECORDINGS OF TESTIMONY IN
THE STANIŠIĆ AND ŽUPLJANIN CASE**

Prosecutor v. Mićo Stanišić and Stojan Župljanin (Case No. IT-08-91-A)

Office of the Prosecutor
Ms. Helen Brady

Counsel for Mićo Stanišić
Mr. Slobodan Zečević and Mr. Stéphane Bourgon

Counsel for Stojan Župljanin
Mr. Dragan Krgović and Ms. Tatjana Čmerić

Prosecutor v. Radovan Karadžić (Case No. IT-95-5/18-T)

Office of the Prosecutor
Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused
Mr. Radovan Karadžić

Standby Counsel
Mr. Richard Harvey

I, **THEODOR MERON**, Judge of the Appeals 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”), and Presiding Judge in this case;

BEING SEISED of the “Radovan Karadžić’s Motion for Access to Audio Recordings of Testimony” filed by Radovan Karadžić (“Karadžić”) on 16 January 2014 (“Motion”) which requests access to the BCS audio recordings of a witness, SZ-07, in the case *Prosecutor v. Mićo Stanišić and Stojan Župljanin*, Case No. IT-08-91-T (“Requested Material” and “*Stanišić and Župljanin Case*”, respectively);¹

NOTING that the Office of the Prosecutor of the Tribunal, Stojan Župljanin, and Mićo Stanišić do not oppose the Motion;²

NOTING that Witness SZ-07 is scheduled to testify for the Defence in the case *Prosecutor v. Radovan Karadžić*, Case No. IT-95/5-18-T (“*Karadžić Case*”) at the end of January 2014;³

NOTING that Karadžić seeks access to the Requested Material in order to allow Witness SZ-07 to verify, pursuant to Rule 92ter of the Rules of Procedure and Evidence of the Tribunal (“Rules”), the accuracy of his testimony;⁴

NOTING that the Trial Chamber in the *Stanišić and Župljanin Case* granted Karadžić access to *inter partes* material, including all closed and private session testimony transcripts which are not subject to Rule 70 of the Rules;⁵

CONSIDERING that by granting Karadžić access to transcripts, the 30 June 2010 Decision also granted him access to the audio recordings underlying those same transcripts, including BCS recordings;⁶

CONSIDERING therefore that no separate order is required for access to the Requested Material;

FOR THE FOREGOING REASONS,

¹ Motion, paras 1, 2.

² Prosecution’s Response to Radovan Karadžić’s Motion for Access to Audio Recordings of Testimony in the *Stanišić-Župljanin Case*, 16 January 2014, p. 1; Stojan Župljanin’s Response to Radovan Karadžić’s Motion for Access to Audio Recordings of Testimony, 16 January 2014, p. 1; Mićo Stanišić’s Response to Radovan Karadžić’s Motion for Access to Audio Recordings of Testimony, 17 January 2014, p. 1.

³ Motion, para. 2.

⁴ *Ibid.*

⁵ See Decision Partially Granting Radovan Karadžić’s Request for Access to Confidential Material, 30 June 2010 (“30 June 2010 Decision”), pp. 9, 10.

⁶ See *ibid.*

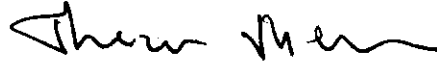
PURSUANT TO Rules 54 and 75 of the Rules,

HEREBY DECLARE the Motion moot; and

ORDER the Court Management and Support Services Section to provide Karadžić access to audio recordings relating to any transcripts to which the 30 June 2010 Decision granted him access, including BCS recordings.

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

Dated this 29th day of January 2014,
At The Hague,
The Netherlands.



Judge Theodor Meron,
Presiding Judge

[Seal of the Tribunal]