



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-04-75-T
IT-03-69-T
Date: 8 July 2013
Original: English

IN THE TRIAL CHAMBER

Before: Judge Guy Delvoie, Presiding
Judge Burton Hall
Judge Antoine Kesia-Mbe Mindua

Registrar: Mr. John Hocking

Decision: 8 July 2013

PROSECUTOR

v.

GORAN HADŽIĆ

PUBLIC

**DECISION ON DEFENCE MOTION FOR ACCESS TO CONFIDENTIAL
MATERIAL IN THE *STANIŠIĆ AND SIMATOVIĆ* CASE**

The Office of the Prosecutor:

Mr. Douglas Stringer
Mr. Dermot Groome

Counsel for Franko Simatović:

Mr. Mihal Bakrač
Mr. Vladimir Petrović

Counsel for Goran Hadžić:

Mr. Zoran Živanović
Mr. Christopher Gosnell

Counsel for Jovica Stanišić:

Mr. Wayde Jordash
Mr. Scott Martin

1. **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”) is seised of “Goran Hadžić’s Motion for Access to Confidential Judgement and Final Trial Briefs in *Stanišić and Simatović*, and for Access to Confidential Audio Visual Materials”, filed publicly on 10 June 2013 (“Motion”). The Prosecution publicly filed the “Prosecution Response to Motion of Goran Hadžić for Access to Confidential Judgement and Final Trial Briefs in *Stanišić and Simatović* and for Access to Confidential Audio Visual Materials” on 24 June 2013 (“Response”).


2. In the Motion, the Defence seeks access to the confidential Trial Judgement and confidential trial briefs of the parties in the *Stanišić and Simatović* case and the audio visual records of the testimonies of certain witnesses in that trial who will also testify in the *Hadžić* case.¹

3. The Prosecution responds that it does not oppose the Defence being granted access to the confidential Trial Judgement in the *Stanišić and Simatović* case; that the Prosecution has already requested the Registry to grant the Defence access to the confidential trial briefs of the parties in the *Stanišić and Simatović* case; and that the Prosecution has disclosed to the Defence the requested audio files.²

4. The Trial Chamber observes that, as an appeal bench was composed in the *Stanišić and Simatović* case on 3 July 2013, that bench is now currently seised of the case. As such, this Trial Chamber declines jurisdiction to decide the Motion.

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

Done this eighth day of July 2013,
At The Hague,
The Netherlands



Judge Guy Delvoire
Presiding

[Seal of the Tribunal]

¹ Motion, paras 1-3

² Response, paras 1-2