



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: 2 April 2009

Original: English

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**IN THE TRIAL CHAMBER**

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

**Acting Registrar:** Mr. John Hocking

**Order of:** 2 April 2009

**PROSECUTOR**

v.

**RADOVAN KARADŽIĆ**

**PUBLIC**

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**ORDER ARISING FROM RULE 65 *ter* MEETING**

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**Office of the Prosecutor**

Mr. Alan Tieger  
Mr. Mark B. Harmon  
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”), having held a conference on 24 March 2009, as per Rule 65 *ter* of the Tribunal’s Rules of Procedure and Evidence (“Rules”), hereby renders this order in relation to the conference’s transcript.

1. On 12 March 2009, the Trial Chamber communicated to both the Office of the Prosecutor (“Prosecution”) and the Accused that a meeting would be held on 24 March 2009 in one of the Tribunal’s conference rooms, under Rule 65 *ter* of the Rules, attended by all three Judges of the Chamber, as well as the Accused and representatives from the Prosecution.

2. On 16 March 2009, the Accused filed a Request for Proceedings to be held in Public, in which he requested that “any and all proceedings in his case be held in public in a courtroom of the Tribunal”. On 18 March 2009, the Prosecution filed a Response to Karadžić’s Request for Proceedings to be held in Public, opposing the Request.

3. On 19 March 2009, the Chamber issued an Order Confirming a Rule 65 *ter* Meeting and Scheduling a Status Conference (“Order”), denying the Accused’s request, and confirming that the meeting would be held on 24 March 2009. In its Order, the Chamber explained that

[m]eetings held within the terms of Rule 65 *ter* are generally conducted in private, in a conference room, and do not form part of the trial process. Rather, they are for purposes of effective trial preparation in a context where the parties are encouraged to discuss matters freely without any risk to the safety of witnesses by inadvertent reference to confidential material. A transcript of such meetings is recorded by the Registry, and provided to the parties on a confidential basis.<sup>1</sup>

However, the Chamber also noted that

[f]ollowing such meetings, should the Chamber or Pre-Trial Judge deem it appropriate, the transcript recorded by the Registry may be made public, upon further order.<sup>2</sup>

4. The Rule 65 *ter* meeting was held on 24 March 2009, and was attended by the Accused, representatives from the Prosecution, and the Chamber’s Judges. Before adjourning the meeting, the parties were asked if they wished to make the conference’s transcript public. The Accused agreed that the transcript should be made public, while the Prosecution requested that it be given the opportunity to review the transcript before stating its position.

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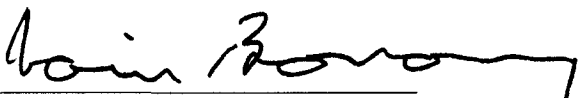
<sup>1</sup> Order, para. 3.

<sup>2</sup> Order, para. 4.

5. The Prosecution requested the correction of a few typographical errors in the transcript, and the redaction of one brief reference to the personal circumstances of a potential witness. CLSS has now notified the Chamber that the appropriate typographical changes to the transcript have been made.

6. Accordingly, pursuant to Rules 54 and 65 *ter* (D) of the Rules, the Trial Chamber hereby **ORDERS** that the corrected transcript of the Rule 65 *ter* meeting held on 24 March 2009, redacted as requested by the Prosecution, shall be made public.

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



Judge Iain Bonomy

Dated this second day of April 2009  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**