



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-05-88-A
Date: 18 August 2011
Original: English

IN THE APPEALS CHAMBER

Before: Judge Patrick Robinson, Presiding
Judge Mehmet Güney
Judge Fausto Pocar
Judge Liu Daqun
Judge Andréia Vaz

Registrar: Mr. John Hocking

Corrigendum of: 18 August 2011

PROSECUTOR

v.

**VUJADIN POPOVIĆ
LJUBIŠA BEARA
DRAGO NIKOLIĆ
RADIVOJE MILETIĆ
MILAN GVERO
VINKO PANDUREVIĆ**

PUBLIC

**CORRIGENDUM TO “DECISION ON PROSECUTION
REQUEST FOR ACCESS TO CONFIDENTIAL INFORMATION
IN THE *PROSECUTOR V. POPOVIĆ ET AL.* CASE”**

Office of the Prosecutor:

Mr. Peter Kremer QC

Counsel for the Defence:

Mr. Zoran Živanović and Ms. Mira Tapušковиć for Mr. Vujadin Popović
Mr. John Ostojić for Mr. Ljubiša Beara
Ms. Jelena Nikolić and Mr. Stéphane Bourgon for Mr. Drago Nikolić
Ms. Natacha Fauveau Ivanović and Mr. Nenad Petrušić for Mr. Radivoje Miletić
Mr. Dragan Krgović and Mr. David Josse for Mr. Milan Gvero
Mr. Peter Haynes and Mr. Simon Davis for Mr. Vinko Pandurević

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 (“Appeals Chamber” and “Tribunal” respectively);

NOTING the “Decision on Prosecution Request for Access to Confidential Information in the *Prosecutor v. Popović et al.* Case”, issued confidentially by the Appeals Chamber on 5 October 2010 (“Appeal Decision”);

NOTING that a clerical error was inadvertently included in the Appeal Decision;

ON THE BASIS OF THE FOREGOING,

HEREBY ORDERS that the second sentence of paragraph 9 of the Appeal Decision shall be amended as indicated by **bold text** below:

Although the Appeals Chamber is the appropriate Chamber to consider such a request pursuant to Rule 75(G)(i) of the Rules, as it is the Chamber seised of the **first** proceedings in the *Popović et al.* case, the Appeals Chamber notes that the jurisprudence of the Tribunal only allows access to confidential material where the *requesting party* has demonstrated “that ‘the material sought is likely to assist *the applicant’s case* materially, or at least that there is a good chance that it would”²⁶.

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



Judge Patrick Robinson
Presiding

Dated this 18th day of August 2011

At The Hague

The Netherlands

[Seal of the Tribunal]

²⁶ *Prosecutor v. Vidoje Blagojević and Dragan Jokić*, Case No. IT-02-60-A, Decision on Motions for Access to Confidential Materials, 16 November 2005, para. 8 and references cited therein (emphasis added); see also *Prosecutor v. Milan Martić*, Case No. IT-95-11-A, Decision on Motion by Jovica Stanišić for Access to Confidential Testimony and Exhibits in the Martić Case Pursuant to Rule 75(G)(i), 22 February 2008, para. 9.