



International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Former Yugoslavia since 1991	Case No. IT-08-91-PT
	Date: 24 July 2009
	Original: English

IN TRIAL CHAMBER III

Before: Judge Iain Bonomy, Presiding
Judge Ole Bjørn Støle
Judge Frederik Harhoff, Pre-Trial Judge

Registrar: Mr. John Hocking

Decision of: 24 July 2009

PROSECUTOR

v.

MIĆO STANIŠIĆ & STOJAN ŽUPLJANIN

PUBLIC

**ORDER RELATING TO PROSECUTION NOTIFICATIONS OF COMPLIANCE WITH
DECISION ON STOJAN ŽUPLJANIN'S ACCESS TO CONFIDENTIAL MATERIAL IN THE
KRAJIŠNIK, MRĐA, STAKIĆ AND BRĐANIN CASES DATED 15 MAY 2009**

The Office of the Prosecutor:

Ms. Joanna Korner
Mr. Thomas Hannis

Counsel for the Accused:

Mr. Slobodan Zečević and Mr. Slobodan Cvijetić for Mićo Stanišić
Mr. Igor Pantelić for Stojan Župljanin

Trial Chamber III 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 “Prosecution’s Notification of Compliance with Decision RE Access by Župljanin to Krajišnik”,¹ the “Prosecution’s Notification of Compliance with Decision RE Access by Župljanin to Mrđa”, the “Prosecution’s Notification of Compliance with Decision RE Access by Župljanin to Stakić”, and the “Prosecution’s Notification of Compliance with Decision RE Access by Župljanin to Brđanin” (jointly “Prosecution Notifications”), all filed publicly with confidential annexes on 15 May 2009;

NOTING that the Prosecution seeks thereby guidance as to the disclosure of “a substantial number relating to matters which are not of an evidential nature” which it submits has no relevance to the preparation of Župljanin’s defence;²

RECALLING the Trial Chamber’s “Decision on Stojan Župljanin’s Access to Confidential Material in the *Krajišnik, Mrđa, Stakić* and *Brđanin* Cases” (“Decision”) issued on 29 April 2009, which granted Župljanin access to closed and private session transcripts, *inter partes* and under seal filings produced by the parties, and confidential and under seal exhibits in the aforementioned cases;³

CONSIDERING that the Appeals Chamber settled the question of access to an applicant to confidential material in other proceedings before the Tribunal that may be categorised as “not of an evidential nature” and found that an applicant “will be able to better understand and make use of confidential evidentiary material..., such as exhibits and testimony transcripts, if he has access to the filings, submissions, decisions and hearing transcripts relating to that material,” recalling that the applicable standard is only that there be a “good chance” that the confidential materials will materially assist the case of the party seeking access;⁴

¹ Supplemented by the “Prosecution’s Supplement to its Notification of Compliance with Decision RE Access by Župljanin to Krajišnik,” 25 May 2009.

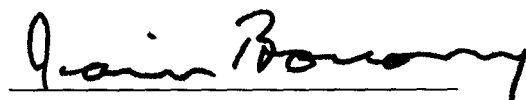
² Prosecution’s Notification of Compliance with Decision RE Access by Župljanin to Krajišnik, para 2; Prosecution’s Notification of Compliance with Decision RE Access by Župljanin to Mrđa, para 2; Prosecution’s Notification of Compliance with Decision RE Access by Župljanin to Stakić, para 2; Prosecution’s Notification of Compliance with Decision RE Access by Župljanin to Brđanin, para 2.

³ Decision, para 20.1.

⁴ *Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/1-A, “Decision on Radovan Karadžić’s Motion for Access to Confidential Material in the *Dragomir Milošević* case”, 19 May 2009, para 11.

PURSUANT to Rules 54 and 75 of the Rules of Evidence and Procedure;

HEREBY ORDERS the Prosecution to disclose to Župljanin all confidential material, including non-evidentiary material, in the *Krajišnik, Mrđa, Stakić and Brdanin* cases, as ordered by the Trial Chamber's Decision of 24 April 2009.



Judge Iain Bonomy

Presiding

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

Dated this twenty-fourth day of July 2009

At The Hague

The Netherlands

[Seal of the Tribunal]