



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-00-39 & 40-PT

Date: 26 April 2002

Original: ENGLISH

IN THE TRIAL CHAMBER

Before: Judge Richard May, Presiding
Judge Patrick Robinson
Judge O-Gon Kwon

Registrar: Mr. Hans Holthuis

Decision of: 26 April 2002

PROSECUTOR

v.

**MOMČILO KRAJIŠNIK
&
BILJANA PLAVŠIĆ**

**DECISION ON DEFENCE MOTION FOR ACCESS TO CERTAIN
SEARCH WARRANTS**

Office of the Prosecutor:

Mr. Mark Harmon
Mr. Alan Tieger

Counsel for the Accused:

Mr. Deyan Brashich and Mr. Nikola Kostich, for Momčilo Krajišnik
Mr. Robert J. Pavich, Mr. Eugene O'Sullivan and Mr. Peter Murphy, for Biljana Plavšić

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 (“International Tribunal”),

BEING SEISED of the “Notice of Motion to Allow Access to Search Warrants and Returns” (“First Motion”) and the “Krajišnik Defence Notice & Request for a Ruling on and Addendum to Motion to Allow Access to Search Warrants and Returns” (“Second Motion”), filed by the Defence for Momčilo Krajišnik (“Defence”) on 20 March 2002 and 18 March 2002, respectively, in which the Krajišnik Defence seeks an order from the Trial Chamber granting access to certain search warrants, pursuant to which documents, the authenticity of which the Defence wishes to challenge, were seized, and any returns¹ filed on those warrants (“the relevant search warrants and returns”),

NOTING the “Prosecution’s Response to Krajišnik’s Motion to Allow Access to Search Warrants and Returns” (“Prosecution Response”) filed by the Office of the Prosecutor (“Prosecution”) on 28 March 2002, in which the Prosecution states that it does not oppose access by the Krajišnik Defence “strictly limited to no more than the actual search warrants issued and returns filed, if any” and “provided that such access is limited to the Krajišnik Defence for use in these proceedings only, and does not permit onward disclosure to the public or the media”.

NOTING the letter from the Prosecution to the Krajišnik Defence dated 4 October 2001 and appended as Exhibit 1 to the First Motion, in which the Prosecution identifies the dates upon, and the locations from, which the documents the Defence wishes to challenge were seized,

CONSIDERING that the Prosecution does not oppose the Motion, provided that any access granted to the Krajišnik Defence is subject to the conditions set forth in its Response,

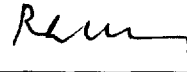
¹ This term is understood to mean any filings made upon the execution of the search warrants that specify the documents and things seized pursuant to those warrants.

WITH THE AGREEMENT OF THE PARTIES and **PURSUANT TO** Rule 54 of the Rules of Procedure and Evidence of the International Tribunal,

HEREBY GRANTS the Motion and **ORDERS** as follows:

- (1) the Prosecution shall by 3 May 2002 provide to the Krajišnik Defence copies of the search warrants and returns identified in the Motion;
- (2) the disclosure of the search warrants and returns shall be subject to all Orders for Protective Measures issued by the Trial Chamber in this matter and the Krajišnik Defence shall not disclose to the public or the media (as defined in those Orders) the content of the search warrants and the returns.

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



Richard May
Presiding

Dated this twenty-sixth day of April 2002
At The Hague
The Netherlands

[Seal of the Tribunal]