



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-03-67-T

Date: 17 June 2008

Original: ENGLISH
French

IN TRIAL CHAMBER III

Before: Judge Jean-Claude Antonetti, presiding
Judge Frederik Harhoff
Judge Flavia Lattanzi

Registrar: Mr Hans Holthuis

Order of: 17 June 2008

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC DOCUMENT

**ORDER REGARDING DISCLOSURE OF VIDEOS BY THE
PROSECUTION TO THE ACCUSED**

The Office of the Prosecutor:

Ms Christine Dahl
Mr Daryl Mundis

The Accused:

Mr Vojislav Šešelj

TRIAL CHAMBER III ("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");

NOTING the application made by the Accused during the hearing of 20 March 2008 requesting disclosure of all the video recordings in the custody of the Office of the Prosecutor ("Prosecution");¹

NOTING the oral application presented during the hearing of 12 June 2008 by the Prosecution ("Application") which, after transferring these 6,000 hours of video recordings onto 12 hard disks, requested the Chamber to order as follows, before any disclosure to the Accused may be made: (i) that the Accused return all of the hard disks at the end of this case; (ii) that the Accused not copy these video recordings, and (iii) that the Accused not disclose these videos to anyone other than his associates who have signed a confidentiality agreement with the Registry;²

CONSIDERING that the Prosecution raises the issue of copyright which may come into play should this disclosure be made;³

CONSIDERING that some questions must be answered before the Chamber can state its position, specifically:

- (i) According to the Prosecution, why has this issue arisen only now, whereas the Tribunal has been operating since 1994?
- (ii) According to the Prosecution, what is the difference between the video recordings which are the subject of the Application and all the others that have been disclosed to the Accused, and why has the Prosecution not raised the issue of copyright before?
- (iii) According to the Prosecution, do all of the video recordings pose problems and, if so, at which level?

¹ Hearing of 20 March 2008, Transcript in French ("T(F)") 5151.

² Hearing of 12 June 2008, T(F) 8141-8142; *see also* *Id.*, T(F) 8148, specifying that for the Prosecution, only the associates who have signed a confidentiality agreement with the Registry of the Tribunal should have access to these video recordings.

³ Hearing of 12 June 2008, T(F) 8142.

- (iv) Which measures would the Prosecution like the Chamber to adopt in order to protect the “owner” of the video recordings in terms of copyright, while guaranteeing that the Accused has access to certain prosecution or defence evidence in the custody of the Prosecution?
- (v) According to the Prosecution, which provisions have been implemented in this respect in other trials?
- (vi) According to the Prosecution, have written agreements for the broadcast of these video recordings been provided to the Prosecution and, if so, may the Prosecution disclose them to the Chamber?

FOR THESE REASONS

IN ACCORDANCE with Rule 54 of the Rules

ORDERS that

- (i) the Prosecution answer the questions set out above and provide the Chamber with any other information that it might consider useful, within seven days of the date of this order;
- (ii) the Accused respond to the Prosecution’s submissions within seven days of the date of receipt of their translation into a language he understands.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this seventeenth day of June 2008
At The Hague
The Netherlands

[Seal of the Tribunal]