



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-I
Date: 29 August 2008
Original: English

IN TRIAL CHAMBER III

Before: Judge Patrick Robinson, Presiding
Judge Iain Bonomy, Pre-Trial Judge
Judge Michèle Picard

Registrar: Mr. Hans Holthuis

Decision of: 29 August 2008

THE PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

DECISION ON THE ACCUSED'S REQUEST FOR COPIES OF SEARCH WARRANTS

Office of the Prosecutor:

Mr. Serge Brammertz
Mr. Mark B. Harmon
Mr. Alan Tieger

The Accused:

Mr. Radovan Karadžić

TRIAL CHAMBER III (“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”);

BEING SEISED OF the Accused’s request for copies of search warrants filed 6 August 2008 (the “Request”);¹

NOTING that the Request seeks “copies of all the warrants issued for the searches which were conducted in connection with [the Accused’s] case, with the dates designated for the searches and the locations and persons whose search was ordered by the Tribunal”;²

NOTING the Prosecution’s Response to the Request, filed publicly with a confidential and *ex parte* appendix on 13 August 2008 (“Prosecution Response”),³ in which the Prosecution notes that it is unable to provide a full response to the Request because it “fails to set out sufficiently the grounds and the legal basis for the relief sought”;⁴

NOTING that the Prosecution Response nevertheless states that the documents listed in its confidential and *ex parte* appendix “have been issued in the Accused’s cases and that the Prosecution does not object to the lifting of the confidential and *ex parte* status of these documents”;⁵

CONSIDERING that two search warrants were issued under seal in this case on 24 February 1998⁶ and that a third search warrant was issued under seal and *ex parte* in this case on 11 September 2003 (collectively, the “Search Warrants”);⁷

¹ Original in B/C/S with an English translation entitled “Request for Copies of Search Warrants”, filed 6 August 2008. While the Request does not conform to the format ordinarily accepted for such filings, the Trial Chamber will exceptionally accept the Accused’s filing given his unfamiliarity with the provisions of the Tribunal. Going forward however, the Accused must both familiarise and conform himself to those provisions, or designate counsel who will do so.

² Request, p. 1.

³ Prosecution’s Response to Accused’s Request for Copies of Search Warrants, public with confidential and *ex parte* appendix, filed 13 August 2008.

⁴ Prosecution Response, para. 1.

⁵ Prosecution Response, para. 2.

⁶ *Prosecutor v. Radovan Karadžić and Ratko Mladić*, IT-95-18-I, “Mandat de perquisition”, under seal, 24 February 1998 (authorising the search of the headquarters of the Bratunac Brigade); *Prosecutor v. Radovan Karadžić and Ratko Mladić*, IT-95-18-I, “Mandat de perquisition”, under seal, 24 February 1998 (authorising the search of the headquarters of the Zvornik Brigade).

⁷ *Prosecutor v. Radovan Karadžić*, IT-95-05/18, Search Warrant for the Public Security Centre (CJB) Srpsko Sarajevo, under seal and *ex parte*, 11 September 2003.

CONSIDERING that the Prosecution does not oppose that the Search Warrants now be made public,⁸ and that the interests of justice no longer require them to remain under seal or *ex parte*;⁹


PURSUANT TO Rule 54 of the Rules of Procedure and Evidence of the Tribunal;

HEREBY ORDERS that the seal be removed for the two Search Warrants issued pertaining to the Accused, Radovan Karadžić, of 24 February 1998, and that the seal is hereby removed for the Search Warrant issued pertaining to the Accused, Radovan Karadžić, of 11 September 2003;

ORDERS that the *ex parte* status of the search warrant of 11 September 2003 in the instant case is lifted; and further

ORDERS that public disclosure of the Search Warrants shall be permitted, including disclosure to the Accused.

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



Judge Patrick Robinson
Presiding

Done this twenty-ninth day of August 2008
At The Hague
The Netherlands

[Seal of the Tribunal]

⁸ Prosecution Response, para. 2, citing the documents listed in the confidential and *ex parte* appendix.

⁹ *Cf. Prosecutor v. Radovan Karadžić*, IT-95-05/18-I, Order to Lift the Seal of Confidentiality of the Amended Indictment, Arrest Warrants and Non-Disclosure Order, 11 October 2002.