



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-T

Date: 16 November 2009

Original: English

IN THE TRIAL CHAMBER

Before: Judge O-Gon Kwon, Presiding Judge
Judge Howard Morrison
Judge Melville Baird
Judge Flavia Lattanzi, Reserve Judge

Registrar: Mr. John Hocking

Decision of: 16 November 2009

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**CORRIGENDUM TO DECISION ON PROSECUTION'S FIRST MOTION
FOR ADMISSION OF STATEMENTS AND TRANSCRIPTS OF EVIDENCE
IN LIEU OF *VIVA VOCE* TESTIMONY PURSUANT TO RULE 92 *BIS*
(WITNESSES FOR ELEVEN MUNICIPALITIES)**

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused

Mr. Radovan Karadžić

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 ("Tribunal"), *ex proprio motu*, issues this corrigendum to the "Decision on Prosecution's First Motion for Admission of Statements and Transcripts of Evidence in Lieu of *Viva Voce* Testimony Pursuant to Rule 92 *Bis* (Witnesses for Eleven Municipalities)", issued on 10 November 2009 ("Decision").

1. In the Decision, the Trial Chamber, *inter alia*, admitted into evidence under seal the associated exhibits with Rule 65 *ter* numbers 07289, 08339, 12150, and 14851, and provisionally admitted into evidence under seal the associated exhibit with Rule 65 *ter* number 21198. However, all of these associated exhibits are photographs which were not admitted under seal in a prior case and do not reveal the identities of protected witnesses. There is no reason for them to be under seal. Therefore, associated exhibits with Rule 65 *ter* numbers 07289, 08339, 12150, and 14851 shall be admitted as public documents. The document with Rule 65 *ter* number 21198 shall remain provisionally admitted into evidence, but its admission is subject to the witness statement to which it is attached conforming to the formal requirements set out in Rule 92 *bis*(B) of the Tribunal's Rules of Procedure and Evidence ("Rules"), rather than any confirmation of protective measures.

2. Accordingly, the Trial Chamber, pursuant to Rule 54 of the Rules, hereby **ORDERS** that:

A. Paragraph 46 of the Decision shall be read as follows:

The Chamber is thus satisfied that the proposed associated exhibits with Rule 65 *ter* numbers 00559, 00662, 00663, 00665, 07289, 07798, 08339, 12150, 12155, 12164, 12165, 14828, 14829, 14836, 14851, 21180, 21181, and 21182, fulfil the requirements for admission into evidence, and will therefore be admitted in their entirety in this case, with exhibit numbers to be assigned by the Registry. The proposed associated exhibit with Rule 65 *ter* number 07127 shall be admitted into evidence in its entirety with the exception of paragraph six. Due to protective measures in place for various witnesses, the proposed associated exhibits with the following Rule 65 *ter* numbers shall be admitted into evidence under seal: 00626, 07523, 08874, 11787, 12137, 12138, 12139, 12140, 12144, 12146, 12148, 12149, 12151, 12153, and 14989. In addition, the exhibit with Rule 65 *ter* number 12156, was previously admitted under seal in the *Slobodan Milošević* case, and has been tendered as an associated exhibit of the evidence of Fadil Banjanović, who is not a

protected witness. Given that it is unclear why this document should remain under seal, the Chamber will provisionally admit the statement, and will order the Prosecution to file a public redacted version of the document. Finally, the proposed associated exhibit with Rule 65 *ter* number 21198 shall be provisionally admitted, subject to the Prosecution providing the witness statement for KDZ533 in a form which fully complies with the formal requirements of Rule 92 *bis*(B).

B. Paragraph 47(f) of the Decision shall be read as follows:

The associated exhibits with Rule 65 *ter* numbers 00559, 00662, 00663, 00665, 07289, 07798, 08339, 12150, 12155, 12164, 12165, 14828, 14829, 14836, 14851, 21180, 21181, and 21182, shall be admitted into evidence;


C. Paragraph 47(h) of the Decision shall be read as follows:

The associated exhibits with Rule 65 *ter* numbers 00626, 07523, 08874, 11787, 12137, 12138, 12139, 12140, 12144, 12146, 12148, 12149, 12151, 12153, and 14989 shall be admitted into evidence under seal;

D. Paragraph 47(j) of the Decision shall be read as follows:

The associated exhibit with Rule 65 *ter* number 21198 shall be provisionally admitted, subject to the Prosecution providing the witness statement for KDZ533 in a form which fully complies with the formal requirements of Rule 92 *bis*(B).

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


 Judge O-Gon Kwon
 Presiding

Dated this sixteenth day of November 2009
 At The Hague
 The Netherlands

[Seal of the Tribunal]