

**UNITED
NATIONS**



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-04-75-T
Date: 4 July 2013
Original: English

IN THE TRIAL CHAMBER

Before:

**Judge Guy Delvoie, Presiding
Judge Burton Hall
Judge Antoine Kesia-Mbe Mindua**

Registrar:

Mr. John Hocking

Decision:

4 July 2013

PROSECUTOR

v.

GORAN HADŽIĆ

PUBLIC

**DECISION ON ADMISSION AND CONFIDENTIALITY STATUS OF
CERTAIN DOCUMENTS**

The Office of the Prosecutor:

Mr. Douglas Stringer

Counsel for Goran Hadžić:

Mr. Zoran Živanović

Mr. Christopher Gosnell

1. **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”) is seised of the “Prosecution Notification of Compliance with Email Dated 28 May 2013 Entitled ‘Issues in Relation to Public Redacted Versions of Documents’ and Request for Confidential Status to be Lifted”, filed confidentially with confidential annexes on 12 June 2013 (“Prosecution Motion”); the Defence “Notice of Compliance with Trial Chamber’s Instruction to File Public Redacted Versions of Confidential Exhibits”, filed publicly on 12 June 2013 (“Defence Motion”); and the Defence “Supplemental Notice of Compliance with Trial Chamber’s Instruction for Public Redacted Exhibits”, filed publicly on 1 July 2013 (“Defence Supplement”).

2. On 28 May 2013, the Trial Chamber instructed the parties to attend to a number of issues in relation to various documents and exhibits in the trial, including (a) correcting metadata in eCourt and (b) preparing, uploading to eCourt, and tendering public redacted versions of confidential unredacted documents (or vice versa) that have already been admitted into evidence. The Trial Chamber also instructed the parties generally to tender the public redacted version of a document along with the confidential unredacted version (or vice versa) on an on-going basis. Finally, the Trial Chamber reminded the parties that, when using a confidential unredacted version of a document, private session should be requested during the course of the examination of a witness dealing with that document, but that, if the public redacted version of a document is being used in court, then the examination can be conducted in open session, provided that no confidential information therein is revealed to the public.¹

3. Having reviewed the Prosecution Motion, the Defence Motion, and the Defence Supplement, the Trial Chamber hereby **DECIDES** as follows:


- (a) The public redacted B/C/S version of D14 (Doc ID 1D03-0673) shall be admitted into evidence.
- (b) The public redacted B/C/S version of D24 (Doc ID 1D03-0671) shall be admitted into evidence; and, the revised public redacted version of the translation (Doc ID 1D03-0672) shall replace the current version (Doc. ID 1D03-0149) and shall be admitted into evidence as exhibit D24.1.

¹ Email from Trial Chamber to parties and Court Officer, 28 May 2013. The deadline was extended to 12 June 2013. Email from Trial Chamber to parties and Court Officer, 6 June 2013. *See also* email from Trial Chamber to parties and Court Officer, 26 June 2013.

- (c) The Registry shall amend in eCourt the metadata of the exhibits referenced in confidential annex A of the Prosecution Motion, as indicated by the Prosecution in confidential annex A.
- (d) The confidentiality status of the exhibits referenced in confidential annex B of the Prosecution Motion shall be altered from confidential to public.
- (e) The public redacted versions of the confidential exhibits referenced in confidential annex C of the Prosecution Motion shall be admitted into evidence.
- (f) The public redacted versions of the confidential exhibits referenced in confidential annex D of the Prosecution Motion shall be admitted into evidence, except the document related to exhibit D24.
- (g) The Registry shall amend in eCourt the titles of the six confidential exhibits referenced in confidential annex E of the Prosecution Motion, as indicated by the Prosecution in paragraph 7 and confidential annex E of the Prosecution Motion. After this has been accomplished, the confidentiality status of the exhibits in confidential annex E of the Prosecution Motion shall be altered from confidential to public.
- (h) The Registry shall take all appropriate and necessary measures to implement this decision.

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

Done this fourth day of July 2013,
At The Hague,
The Netherlands.



Judge Guy Delvoie
Presiding

[Seal of the Tribunal]