



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
IT-99-36-T

Date: 25 September 2013

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

Order of: 25 September 2013

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

ORDER FOR ACCESS TO AUDIO RECORDINGS FROM *BRĐANIN* CASE

Prosecutor v. Radovan Karadžić (Case No. IT-95-5/18-T)

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused

Mr. Radovan Karadžić

Standby Counsel

Mr. Richard Harvey

Prosecutor v. Radoslav Brđanin (Case No. IT-99-36-T)

Mr. Radislav Brđanin

Counsel for Radislav Brđanin

Mr. John Ackerman
Mr. David Cunningham

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”),

BEING SEISED of the “Motion for Access to Audio Recordings from *Brđanin* Case” filed by the Accused on 24 September 2013 (“Motion”), in which the Accused requests the Chamber, pursuant to Rule 75 of the Tribunal’s Rules of Procedure and Evidence (“Rules”), to grant him access to the BCS audio recordings of the testimony of three defence witnesses (“Witnesses”) in the case of *Prosecutor v. Brđanin* (“*Brđanin* case” and “Requested Material”, respectively) in order for the Witnesses to be able to review their testimony and attest that it is both accurate and that their answers would be the same if given in this case as required by Rule 92 *ter* of the Rules;¹

NOTING that on 24 September 2013, the Office of the Prosecutor (“Prosecution”) informed the Chamber *via* email that it would not respond to the Motion;

NOTING that the Chamber has already granted the Accused access to *inter partes* confidential material, including all confidential closed and private session transcripts and all confidential exhibits, in the *Brđanin* case, in so far as the materials do not relate to the municipalities of Čelinac, Prnjavor, Šipovo, and Teslić;²

CONSIDERING that the Tribunal does not produce transcripts in BCS, that the Witnesses do not speak English,³ and that access to the Requested Material is therefore necessary in order for the Witnesses to be prepared to make the attestation required under Rule 92 *ter* of the Rules;

FOR THE FOREGOING REASONS,

PURSUANT TO Rules 54 and 75 of the Rules,

GRANTS the Motion;

REQUESTS the Registry to allow the Accused access to the Requested Material; and

¹ Motion, paras. 1–2.

² Decision on Motion for Access to Confidential Material in Completed Cases, 5 June 2009, para. 32.

³ Motion, para. 2.

REMINDS the Accused that the conditions set out in paragraphs 36–38 and 40 of the 5 June 2009 Decision apply equally to material disclosed to him in audio format as they have to material disclosed in written form.

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



Judge O-Gon Kwon
Presiding

Dated this 25th day of September 2013
At The Hague
The Netherlands

[Seal of the Tribunal]