



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: 10 October 2014

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: 10 October 2014

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

ORDER ON THE STATUS OF D2000 AND P4166

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused

Mr. Radovan Karadžić

Standby Counsel

Mr. Richard Harvey

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”);

NOTING that during the course of the cross-examination of Witness Joseph Kingori on 12 January 2012, the Office of the Prosecutor (“Prosecution”) submitted that a document the Accused intended to use should be discussed in private session on the grounds that the provider of the document, Médecins Sans Frontières (“MSF”), had consented to its use in accordance with Rule 70 of the Tribunal’s Rules of Procedure and Evidence (“Rules”),¹ that accordingly the document was used in private session and admitted under seal as D2000,² and that on re-examination of Kingori, the Prosecution discussed in private session a document of similar nature, which was also admitted under seal as P4166;³

NOTING that on 10 February 2012, the Prosecution notified the Chamber that its witness Christine Schmitz, a former staff member of MSF, would testify without any Rule 70 condition,⁴ and that accordingly Schmitz testified in public session on 26 March 2012,⁵ during which telex messages she had authored in July 1995 were publicly admitted as P4757 and D2212;⁶

NOTING that following the Chamber’s instruction to verify with MSF regarding the confidential status of D2000 and P4166,⁷ the Prosecution informed the Chamber, *via* email on 8 October 2014, that D2000 and P4166 can be admitted publicly at this time;

CONSIDERING that there is no reason to retain the confidential status of D2000 and P4166 at this stage, and as a result the confidentiality of the relevant portions of Kingori’s testimony should also be lifted;

FOR THE FOREGOING REASONS,

PURSUANT to Rule 54 of the Rules,

¹ T. 22850 (12 January 2012) (private session).

² T. 22903 line 7–22905 line 18 (12 January 2012) (private session).

³ T. 22951 line 13–22957 line 25 (13 January 2012) (private session).

⁴ T. 24553 (10 February 2012) (private session).

⁵ T. 26813–26895 (26 March 2012).

⁶ T. 26863, 26867–26868, 26882–26883, 26887 (26 March 2012).

⁷ Closing Arguments, T. 48072 (7 October 2014) (private session).

INSTRUCTS the Registry:

- a) To change the status of D2000 and P4166 from confidential to public; and
- b) To lift the confidentiality of the relevant portions of the transcript and audio-visual record of Kingori's testimony.⁸

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



Judge O-Gon Kwon
Presiding

Dated this tenth day of October 2014
At The Hague
The Netherlands

[Seal of the Tribunal]

⁸ See *supra* fns 2 and 3.