



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-08-91-T
Date: 19 May 2010
Original: English

IN TRIAL CHAMBER II

Before: Judge Burton Hall, Presiding
Judge Guy Delvoie
Judge Frederik Harhoff

Registrar: Mr. John Hocking

Decision of: 19 May 2010

PROSECUTOR

v.

MIĆO STANIŠIĆ AND STOJAN ŽUPLJANIN

PUBLIC

**DECISION ON PROSECUTION'S MOTION OF
18 FEBRUARY 2010 TO AMEND ITS RULE 65 *TER*
EXHIBIT LIST FOLLOWING PROSECUTION'S
CLARIFICATION OF 23 APRIL 2010**

The Office of the Prosecutor

Ms. Joanna Korner
Mr. Thomas Hannis

Counsel for the Accused

Mr. Slobodan Zečević and Mr. Slobodan Cvijetić for Mićo Stanišić
Mr. Igor Pantelić and Mr. Dragan Krgović for Stojan Župljanin

TRIAL CHAMBER II (“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”);

REMAINING SEISED in part of the “Prosecution’s motion to amend its Rule 65 *ter* list of exhibits”, filed on 18 February 2010 (“Motion”) in respect, *inter alia*, of the following 19 documents, which the Prosecution sought to remove from its Rule 65 *ter* exhibit list: Rule 65 *ter* nos. 931, 1598, 1621, 1622, 1624, 1625, 1626, 1627, 1628, 1629, 1631, 1632, 1636, 1829, 2476, 3007, 3157, 3179 and 3381 (“19 duplicates”);¹

RECALLING that on 14 April 2010 the Trial Chamber issued a decision granting the Motion in part and seeking clarification from the Prosecution in respect of its request to withdraw the 19 duplicates (“Decision”), indicating that, as the Prosecution sought withdrawal on the basis of their “marginal relevance to the issues in this trial”,² rather than on the basis of being duplicates, the Trial Chamber would have expected the Prosecution to seek withdrawal of both the 19 duplicates and the corresponding originals;³

NOTING the “Prosecution’s motion providing clarification sought by the Trial Chamber with regard to documents on the 65*ter* exhibit list”, filed on 23 April 2010 (“Clarification”) in which the Prosecution submits that the 19 originals remain relevant to the case and that it therefore wishes to keep the originals on the list of exhibits while removing the duplicates;⁴

CONSIDERING that 17 of the 19 originals have already been admitted in evidence,⁵ and that it is neither in the interests of justice nor of any benefit to the proceedings to retain duplicates of documents on the Rule 65 *ter* list;

RECALLING that, in the Decision, the Trial Chamber noted a discrepancy with regard to the title of Rule 65 *ter* no. 283 and ordered the Prosecution also to clarify the Motion in this respect;⁶

¹ Motion, Annex G.

² Decision granting in part the Prosecution’s motion of 18 February 2010 to amend its Rule 65 *ter* exhibit list and denying the supplemental motion of 2 March 2010, 14 Apr 2010, para. 55, referring to Motion, para. 23.

³ Decision, paras 55 and 59.

⁴ Prosecution’s motion providing clarification sought by the Trial Chamber with regards to documents on the Rule 65 *ter* list, 23 Apr 2010.

⁵ Clarification, para. 2 and fn 4, referring to the following Rule 65 *ter* numbers followed, in parenthesis, by the exhibit number: 1633 (P427.18), 97 (P70), 1229 (P260), 1230 (P261), 1231 (P274), 1232 (P232), 1236 (P276), 1243 (P277), 1245 (P278), 1247 (P279), 930 (P201), 1257 (P281), 49 (P181), 1589 (P750), 823 (P448), 3113 (P945) and 283 (P425).

⁶ Decision, paras 56 and 59.

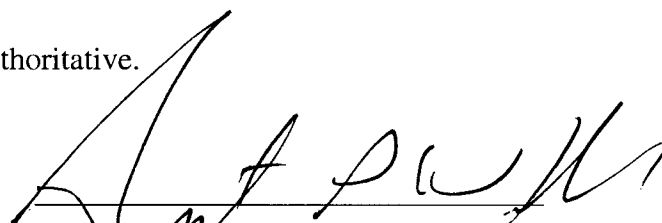
NOTING the Prosecution submission in the Clarification that, with regard to the “difference in the title of 65ter 283 (admitted as P425) in eCourt and in the list of exhibits filed on 8 June 2009”,⁷ “the title in eCourt is correct”⁸;

CONSIDERING, therefore, that no further action is required in respect of Rule 65 *ter* number 283;

PURSUANT TO Rule 54

GRANTS leave to the Prosecution to remove the 19 duplicates from its Rule 65 *ter* exhibit list.

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



Judge Burton Hall
Presiding

Dated this nineteenth day of May 2010

At The Hague

The Netherlands

[Seal of the Tribunal]

⁷ Clarification, para. 3.

⁸ *Ibid.*