



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-03-67-T

Date: 9 July 2009

Original: ENGLISH  
French

**IN TRIAL CHAMBER III**

**Before:** Judge Jean-Claude Antonetti, Presiding  
Judge Frederik Harhoff  
Judge Flavia Lattanzi

**Registrar:** Mr John Hocking

**Decision of:** 9 July 2009

**THE PROSECUTOR**

**v.**

**VOJISLAV ŠEŠELJ**

**PUBLIC DOCUMENT**

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**DECISION ON MOTION FOR RECONSIDERATION OF THE DECISION  
ON THE ADMISSION OF SELECTED PORTIONS OF THE EVIDENCE OF  
ZORAN TOT PURSUANT TO RULE 92 *QUATER***

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**The Office of the Prosecutor**

Mr Daryl Mundis  
Ms Christine Dahl

**The Accused**

Mr Vojislav Šešelj

**TRIAL CHAMBER III** (“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** the “Decision on Request for Admission of Selected Portions of Zoran Tot’s Evidence Pursuant to Rule 92 *quater*” of the Rules of Procedure and Evidence of the Tribunal (“Rules”), rendered by the Chamber on 3 June 2009 (“Decision of 3 June 2009”);

**NOTING** the motion for reconsideration of the Decision of 3 June 2009 filed by the Prosecution on 4 June 2009,<sup>1</sup> to which the Prosecution annexes the signed BCS version of Zoran Tot’s statement before the Bosnia and Herzegovina Agency for Investigation and Documentation (“Statement to AID”),<sup>2</sup> which inadvertently had not been disclosed to the Chamber in its original motion of 7 January 2009;<sup>3</sup>

**CONSIDERING** that in its Decision of 3 June 2009, the Chamber indicated that the lack of a signature was the only ground for rejecting the Statement to AID, which the Chamber indicated was, moreover, relevant;<sup>4</sup>

**CONSIDERING** that the Chamber further specified that if the Prosecution were to present a signed version of the Statement to AID, the Chamber could reconsider its position;<sup>5</sup>

**CONSIDERING** that a Chamber has the power to reconsider its own decisions, in particular when new facts are presented;<sup>6</sup>

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<sup>1</sup> “Prosecution’s Motion for Reconsideration of the Decision on the Admission of Evidence of Deceased Witness Zoran Tot Pursuant to Rule 92 *quater*”, 4 June 2009 (“Motion for Reconsideration”).

<sup>2</sup> Zoran Tot’s statement titled “Statement to the Agency for Investigation and Documentation in Sarajevo”, dated 12 February 1996 (ERN 0092-4883-0092-4886).

<sup>3</sup> “Prosecution’s Motion for Admission of Evidence of Witness Zoran Tot Pursuant to Rule 92 *quater*”, 7 January 2009 (“Motion of 7 January 2009”).

<sup>4</sup> Decision of 3 June 2009, paras 14-15.

<sup>5</sup> Decision of 3 June 2009, para. 15.

<sup>6</sup> *The Prosecutor v. Jadranko Prlić, Bruno Stojić, Slobodan Praljak, Milivoj Petković, Valentin Ćorić and Berislav Pušić*, Case No. IT-04-74-T, “Decision on Request for Reconsideration and Certification to Appeal the Decision for Admission of the Statement of Jadranko Prlić”, 8 October 2007, p. 11 citing *The Prosecutor v. Stanislav Galić*, Case No. IT-98-29-A, “Decision on Defence’s Request for Reconsideration”, 16 July 2004, pp. 3 and 4.

**CONSIDERING** that while the Statement to AID does not truly appear to be a new element from the Prosecution, the Chamber is prepared to admit the said Statement, as it is now satisfied that it presents sufficient indicia of reliability;

**FOR THE FOREGOING REASONS**

**PURSUANT TO** Rules 89 and 92 *quater* of the Rules;

**ADMITS** the Statement to AID; and

**ORDERS** the Registry to assign an exhibit number to the Statement to AID.

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

          /signed/            
Jean-Claude Antonetti  
Presiding Judge

Done this ninth day of July 2009  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**