



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: 5 August 2011
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: 5 August 2011

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC

DECISION ON PROSECUTION REQUEST TO AUGMENT EXHIBIT P 878

The Office of the Prosecutor

Mr Mathias Marcussen

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”),

SEIZED of the request filed publicly on 13 July 2011 by the Office of the Prosecutor (“Prosecution”), seeking to augment Exhibit P 878, entitled “Selected Portions of Miroslav Deronjić’s Testimony in the *Milošević* Case, 26 and 27 November 2003” (“Request”),¹

NOTING the “Decision on Admission of Testimony of Miroslav Deronjić Pursuant to Rule 92 *quater* of the Rules of Procedure and Evidence including the Dissenting Opinion of Judge Jean-Claude Antonetti in Annex”, rendered publicly by the Chamber on 20 January 2010 (“Decision of 20 January 2010”), whereby the Chamber *inter alia* admitted to the record, by a majority with Judge Antonetti dissenting, selected portions from the testimony of Miroslav Deronjić (“Witness”) in Case No. IT-02-54 *The Prosecutor v. Slobodan Milošević* (“*Milošević* Case”), which took place on 26 and 27 November 2003 (“Testimony”),²

CONSIDERING that the Registry later assigned reference number P 878 to the Testimony as admitted to the record by the Decision of 20 January 2010,

CONSIDERING that the Prosecution in its Request seeks the admission to the record of a passage not in evidence from the testimony of the Witness in the *Milošević* Case on 27 November 2003 (“Selected Portion”),³ on grounds that this Selected Portion makes it possible to clarify the statements previously made by the Witness appearing in the Testimony as admitted to the record by the Decision of 20 January 2010,⁴

¹ “Prosecution’s Request to Augment Exhibit P 878 by Three Transcript Lines”, public, 13 July 2011.

² Decision of 20 January 2010, paras 30 and 32.

³ Request, para. 4; the passage not in evidence corresponds to lines 22-24, p. 15 (that is the *e*-Court page number) of Exhibit P 878 “Selected Portions of Miroslav Deronjić’s Testimony in the *Milošević* Case, 26 and 27 November 2003”. The selected portion not in evidence reads as follows: “Q: Tell me Mr. Deronjić, what kind of killing and expulsion are you talking about in 1991? A: I’m talking about the beginning of 1992”.

⁴ Request, paras 3-5; the previous statements by the Witness which are at issue here can be found on admitted lines 18-20, p. 15 (that is the *e*-Court page number) of Exhibit P 878 “Selected Portions of Miroslav Deronjić’s Testimony in the *Milošević* Case, 26 and 27 November 2003”.

CONSIDERING that the Accused did not respond to the Request within the time-limit of 14 days, running from his receipt of the BCS version of the Request, as afforded him by Rule 126 *bis* of the Rules of Procedure and Evidence (“Rules”),⁵

CONSIDERING that the Chamber points out that the Selected Portion tendered for admission by the Prosecution corresponds to lines 22 to 24 of *e-Court* page 15 of P 878 and that this is a passage from P 878, redacted at present,⁶

CONSIDERING that the Chamber considers that this Selected Portion provides useful clarification inasmuch as it provides further detail concerning the statements made by the Witness in lines 18-20 of *e-Court* page 15 of P 878 and that the Chamber for this reason finds that the Request has a valid basis in law,

FOR THE FOREGOING REASONS

PURSUANT TO Rules 54 and 73 of the Rules of Procedure and Evidence,

GRANTS the Request, **AND**

ORDERS the Prosecution to augment Exhibit P 878 so that it includes lines 22-24 appearing on page 29757 of the French transcript (page 15 in the *e-Court* system) dated as of 27 November 2003, from the Witness in the *Milošević* Case.

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

 /signed/
Jean-Claude Antonetti
Presiding Judge

Done this fifth day of August 2011
At The Hague
The Netherlands

[Seal of the Tribunal]

⁵ The Accused received the BCS translation of the Request on 20 July 2011 (see Procès-verbal of reception filed publicly on 27 July 2011) and had until 3 August 2011 to respond.

⁶ Request, para. 4.