



**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: IT-99-36-PT
Date: 22 November 2001
Original: English**

IN TRIAL CHAMBER II

**Before: Judge David Hunt, Pre-Trial Judge
Registrar: Mr Hans Holthuis
Decision of: 22 November 2001**

PROSECUTOR

v

Radoslav BRĐANIN & Momir TALIĆ

DECISION ON APPLICATION BY MOMIR TALIĆ TO EXCLUDE EVIDENCE

The Office of the Prosecutor:

**Ms Joanna Korner
Mr Andrew Cayley
Mr Nicolas Koumjian
Ms Anna Richterova
Ms Ann Sutherland**

Counsel for the Accused:

**Mr John Ackerman for Radoslav Brđanin
Maître Xavier de Roux and Maître Michel Pitron for Momir Talić**

1. The accused Momir Talić ("Talić") has filed a motion to exclude a witness (identified as witness 7.207) and an exhibit (apparently with the same number) from the prosecution case.¹ The basis for the application to exclude the evidence is the same as that stated in an earlier application made by his co-accused, Radoslav Brđanin ("Brđanin"), other than a mistaken reference by Talić to the trial being fixed to commence on 15 January 2002.²

2. The relief sought by Brđanin in the earlier application was refused and, for the reasons given there,³ the relief sought by Talić is also refused. The issue as to whether the prosecution should be permitted to call witness 7.207 at all in the circumstances which are related in the Motion can only be determined at the stage it is known when the entire diary will be or has been translated into English, and an assessment can be made as to how long Talić's counsel will reasonably need to read it for the purpose of cross-examining the witness.

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

Dated this 22nd day of November 2001,
At The Hague,
The Netherlands.



Judge David Hunt
Pre-Trial Judge

[Seal of the Tribunal]

¹ Requête aux Fins D'Exclusion d'un Témoin et d'une Piece, 13 Nov 2001 ("Motion").

² Motion, par 2. The trial is in fact fixed to commence on 21 January 2002.

³ Decision on Application by Radoslav Brđanin to Exclude Evidence, 15 Nov 2001.