



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-00-39 & 40-PT

Date: 18 June 2002

Original: ENGLISH

**IN THE TRIAL CHAMBER**

**Before:** Judge Richard May, Presiding  
Judge Patrick Robinson  
Judge O-Gon Kwon

**Registrar:** Mr. Hans Holthuis

**Decision of:** 18 June 2002

**PROSECUTOR**

v.

**MOMČILO KRAJIŠNIK  
&  
BILJANA PLAVŠIĆ**

**DECISION ON DEFENCE MOTION TO EXCLUDE EVIDENCE AND LIMIT  
SCOPE OF TRIAL**

**Office of the Prosecutor:**

Mr. Mark Harmon  
Mr. Alan Tieger

**Counsel for the Accused:**

Mr. Deyan Brashich and Mr. Nikola Kostich, for Momčilo Krajišnik  
Mr. Robert J. Pavich and Mr. Eugene O'Sullivan, for Biljana Plavšić

**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 (“International Tribunal”),

**BEING SEISED** of the “Motion of Biljana Plavšić to Exclude Evidence and Limit Scope of Trial” filed by the Defence for Biljana Plavšić on 9 May 2002 and the joinder in that motion filed on behalf of Momčilo Krajišnik the same day (together “the Motion”), in which the Defence seek orders from the Trial Chamber precluding the Office of the Prosecutor (“Prosecution”) (1) from adducing in evidence at trial any document which has not been translated into English as at the date of filing of the Prosecution pre-trial brief; (2) from calling at trial any witness not listed by name or pseudonym in the list of witnesses accompanying the Prosecution pre-trial brief; (3) from calling at trial any expert witness whose expert report was not disclosed to the Defence as at 2 May 2002; (4) from expanding the scope of the case by adducing at trial evidence of matters relating to events in Croatia; and (5) from expanding the scope of the case by adducing at trial evidence pertaining to events which occurred after 31 December 1992,

**NOTING** the “Prosecution’s Response to the Motion of Biljana Plavšić to Exclude Evidence and Limit Scope of Trial” filed by Prosecution on 24 May 2002 (“Prosecution Response”),

**NOTING** also that the parties have resolved by agreement the issue as to the alleged expansion of the scope of the case to include evidence of matters relating to events in Croatia,

**NOTING** the order of the pre-trial Judge of 11 March 2002 requiring the Defence pre-trial briefs to be filed by 1 September 2002,

**HAVING HEARD** the parties at an oral hearing held on 31 May 2002,

**CONSIDERING** the urgent need for this case to come to trial expeditiously in November 2002, one accused having been in detention awaiting trial for over two and a half years and the Prosecution having had all this time available to prepare their case,

**CONSIDERING** that the above requirement can best be met and the interests of justice safeguarded by preventing the Prosecution (without leave) from augmenting the material on which they rely beyond that available on 1 July 2002 and extending the time for the Defence to present their pre-trial briefs,

**HEREBY ORDERS** as follows:

- (1) the Prosecution shall be precluded from introducing into evidence any document not translated into one of the working languages of the International Tribunal and disclosed to the Defence in that language by 1 July 2002;
- (2) the Prosecution may apply to the Trial Chamber for leave to introduce any evidence not so disclosed;
- (3) the Prosecution shall be precluded from calling any witness not listed on the Rule 65 *ter* list filed on 2 May 2002 without leave of the Trial Chamber;
- (4) reports of all experts upon whose evidence the Prosecution intends to rely shall be disclosed to the Defence in one of the working languages of the International Tribunal no later than 30 July 2002;
- (5) the Prosecution may adduce evidence of events occurring after 31 December 1992 when such evidence relates to the crimes alleged in the indictment or are introduced to show intent, knowledge or failure to prevent or punish subordinates in relation to those alleged crimes; and
- (6) the Defence shall submit their pre-trial briefs no later than Monday 30 September 2002.

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

  
Richard May  
Presiding

Dated this eighteenth day of June 2002  
At The Hague  
The Netherlands

[Seal of the Tribunal]