



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-98-34-T

Date: 24th March 2003

Original: English

BEFORE THE TRIAL CHAMBER

Before: Judge Liu Daqun, Presiding
Judge Maureen Harding Clark
Judge Fatoumata Diarra

Registrar: Mr. Hans Holthuis

Decision of: 24th March 2003

THE PROSECUTOR

v.

**MLADEN NALETILIĆ aka "TUTA"
and
VINKO MARTINOVIĆ aka "ŠTELA"**

**DECISION ON DEFENCE MOTION TO STAY THE DELIBERATIONS
IN LIGHT OF MATERIAL NEWLY DISCLOSED BY THE PROSECUTION**

The Office of the Prosecutor:

Mr. Kenneth Scott

Counsel for the Accused:

**Mr. Krešimir Krsnik, for Mladen Naletilić
Mr. Branko Šerić, for Vinko Martinović**

TRIAL CHAMBER I, SECTION A (“the 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 (“the Tribunal”);

BEING SEIZED OF a “Motion for Stay of Further Deliberation of the Evidence & Expedited Request for the Taking of Further Evidence in Light of Newly Disclosure Material Provided by OTP” (“the Motion”) submitted on 12th March 2003 by the Defence Counsel of Mladen Naletilić (“the Accused”), in which the Defence calls for a “short stay of the deliberative process of the evidence” for at least 30 days so as to allow the Defence to make a proper assessment of this newly disclosed material (“the Material”);

NOTING the “Prosecutor’s Response to Radoš Diary Submission Dated 12th March 2003”, submitted on 14th March 2003, in which the Prosecution asserts that the Material, which had been in the Prosecution’s possession since March 1996 and consists of minutes in BCS of meetings of the HVO 3rd “Mijat Tomić” Battalion taken by Alojz Radoš, does *not* fall within the Rule 68 but was provided to the Defence out of abundant caution and good faith;

TAKING INTO CONSIDERATION the Parties’ submissions at the hearing held on Thursday, 20th March 2003 in order to assess the possibly exculpatory nature of the Material, during which the Defence, in the Chamber’s view, was unable to show *prima facie* that the Material falls under Rule 68 of the Rules;

HAVING HAD THE OPPORTUNITY TO PERUSE translations of those parts of the Material which relate to the meetings of the HVO 3rd “Mijat Tomić” Battalion from mid-April to mid-May 1993 without finding any facts which tends to suggest the innocence or mitigate the guilt of the Accused or which may affect the credibility of Prosecution evidence;

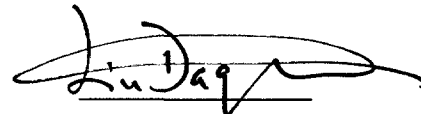
PURSUANT to Rule 54 of the Tribunal's Rules of Procedure and Evidence;

HEREBY dismisses the Motion.

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

Dated this twenty fourth day of March 2003

At The Hague,
The Netherlands



Judge Liu Daqun
Presiding Judge

Seal of the Tribunal