

UNITED
NATIONS

IT-02-61-S
D478 - D476
05 DECEMBER 2003

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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-02-61-S
Date: 05 December 2003
Original: English

IN TRIAL CHAMBER II

Before: Judge Wolfgang Schomburg,
Presiding Judge
Registrar: Mr. Hans Holthuis
Decision: 05 December 2003

PROSECUTOR

v.

MIROSLAV DERONJIĆ

**ORDER ON PRODUCTION OF ADDITIONAL EVIDENCE
PURSUANT TO RULE 98**

The Office of the Prosecutor:

Mr. Jan Wubben
Mr. Jayantha Jayasuriya

Counsel for the Accused:

Mr. Slobodan Cvijetić
Mr. Slobodan Zečević

Case No.: IT-02-61-S

5 December 2003

TRIAL CHAMBER II (hereinafter the “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 (hereinafter the “Tribunal”),

CONSIDERING that a Trial Chamber, pursuant to Rule 98 of the Rules of Procedure and Evidence (hereinafter the “Rules”), first sentence, “may order either party to produce additional evidence”,

NOTING that according to the terms of the Plea Agreement (hereinafter the “Agreement”) between Miroslav Deronjić (hereinafter the “Accused”), through his counsel Slobodan Cvijetić and Mr. Slobodan Zečević, and the Office of the Prosecutor (hereinafter the “Prosecution”), the Accused acknowledges full responsibility for his actions, which are described therein,

CONSIDERING that pursuant to the Agreement and Article 24(2) of the Statute, in determining the sentence, the Trial Chamber shall take into consideration such factors as the gravity of the offence and the individual circumstances of the convicted person as well as those factors described in Rule 101(B) of the Rules,

NOTING that the factors described in Rule 101(B) of the Rules encompass, *inter alia*, any mitigating circumstances including substantial co-operation with the Prosecution before and after conviction,

FURTHER NOTING that the Accused agreed:

- (1) to meet as often as necessary with members of the Prosecution and to co-operate with and provide them with truthful and complete information known to him regarding individuals and events in the former Yugoslavia,
- (2) to be truthful and candid and to answer freely all questions put to him by members of the Office of the Prosecutor,
- (3) to testify truthfully in any trial, hearing and/or proceeding before the Tribunal where the Prosecutor deems his evidence may be relevant, irrespective whether those matters are before the Tribunal presently or in the future,

CONSIDERING that access for the Trial Chamber to information on the degree and reliability of substantial co-operation is of crucial importance for the Trial Chamber’s obligation, pursuant to Rule 101(B) of the Rules, to determine an appropriate sentence,

PURSUANT TO RULE 98, FIRST SENTENCE, OF THE RULES

HEREBY ORDERS the Prosecution to produce additional evidence to the Trial Chamber in the form of:

- (1) a detailed description and assessment of the co-operation by the Accused; and
- (2) all transcripts of his testimony given in other cases before the Tribunal.

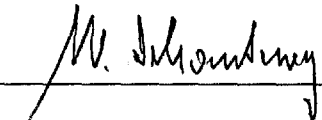
HOLDS that above-mentioned additional evidence is to be filed within 30 days after the filing of this order.

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

Dated this fifth day of December 2003,

At The Hague

The Netherlands



Wolfgang Schomburg

Presiding Judge

[Seal of the Tribunal]