



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-02-54-T

Date: 25 February 2004

Original: ENGLISH

IN THE TRIAL CHAMBER

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

Registrar: Mr. Hans Holthuis

Order of: 25 February 2004

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

**DECISION ON NOTIFICATION OF THE COMPLETION OF
PROSECUTION CASE AND MOTION FOR THE ADMISSION OF
EVIDENCE IN WRITTEN FORM**

Office of the Prosecutor:

Mr. Geoffrey Nice
Ms. Hildegaard Uertz-Retzlaff
Mr. Dermot Groome

Amici Curiae:

Mr. Steven Kay
Mr. Branislav Tapušковиć
Prof. Timothy McCormack

The Accused:

Mr. Slobodan Milošević

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 a “Prosecution Notification of the Completion of its Case and Motion for the Admission of Evidence in Written Form”, filed on 25 February 2004 (“Motion”), in which the Prosecution “**closes** the case by this filing on the basis of all evidence already adduced including that filed for consideration and admission in written form to date (even if not presently ruled on), such as the document collections filed on 17 February 2004, and to be submitted soon, notably the documents dealt with in Trial Chamber's order of 12 February 2004, together with such items of written evidence submitted with or by this filing and referred to in paragraphs 5-18 [of the Motion] below”,¹

NOTING that the Prosecution seeks the following relief:

- (1) to close its case;
- (2) the Admission into evidence of;
 - a) the interview given by the Accused to Palma TV;
 - b) the Joint Command Order of 15 April 1999;
 - c) the selected "The Death of Yugoslavia" and "The Fall of Milošević" interview transcripts identified in Annex A to this filing;
 - d) the additional Republic of Serbia Closed Sessions (by way of an Addendum to the 17 February 2004 filing analysing other such documents); and
- (3) the Trial Chamber's confirmation of the exhibit numbers for the 92bis packages detailed in Annex C,

NOTING FURTHER that although the Prosecution has failed to include it in its request for relief, it appears to seek from the Trial Chamber clarification on the status of intercepts produced by the Prosecution during the testimony of B-1804 and Hrvoje Šarinić,

CONSIDERING that the interview given by the Accused to Palma TV, referred to in paragraph 2(a) of the relief sought in the Motion, shall not be admitted on the basis that it is tendered too late in the proceedings and the Prosecution has not shown good cause why it should now be admitted,

CONSIDERING that the Joint Command Order of 15 April 1999, referred to in paragraph 2(b) of the relief sought in the Motion, may be produced in accordance with the Trial Chamber Decision of 12 February 2004 dealing with outstanding exhibits the Prosecution seeks to have admitted into evidence,

CONSIDERING that the “Death of Yugoslavia” and “Fall of Milosevic” interview transcripts, referred to in paragraph 2(c) of the relief sought in the Motion, shall not be admitted into evidence, on the basis that it is inappropriate to admit such evidence without the proper opportunity for the Accused to challenge them,

CONSIDERING that the additional Republic of Serbia Closed Sessions, referred to in paragraph 2(d) of the relief sought in the Motion, shall not be admitted into evidence, on the basis that they are tendered too late in the proceedings and, as the Prosecution has itself noted, the Accused would not have the time to consider and prepare argument on them,

CONSIDERING that the intercepts referred to in paragraph 22 of the Motion have been authenticated by the relevant witnesses on the basis that they were either an interlocutor in the conversation or otherwise in a position to identify the participants in and context of the conversation,

CONSIDERING that it is appropriate for the Trial Chamber to confirm the exhibit numbers given to the Rule 92 *bis* packages, referred to in paragraph 2(d) of the relief sought in the Motion and as set out in Annex C to the Motion,

PURSUANT to Rules 54 and 89 of the Rules of Procedure and Evidence

¹ Motion, para. 4. Footnotes omitted.

HEREBY ORDERS AS FOLLOWS:

- (1) The Trial Chamber confirms that the Prosecution case is hereby closed;
- (2) The interview given by the Accused to Palma TV, referred to in paragraph 2(a) of the relief sought in the Motion, shall not be admitted;
- (3) The Joint Command Order of 15 April 1999, referred to in paragraph 2(b) of the relief sought in the Motion, may be produced in accordance with the Trial Chamber Decision of 12 February 2004 dealing with outstanding exhibits the Prosecution seek to have admitted into evidence, as follows:
 - (a) The Prosecution shall produce the document along with its analysis and interpretation of it, by 27 February 2004;
 - (b) The Accused and *Amici Curiae* may file any response to the Prosecution filing, by 12 March 2004; and
 - (c) The Trial Chamber will thereafter make a decision whether to admit the document into evidence;
- (4) The “Death of Yugoslavia” and “Fall of Milosevic” interview transcripts of 15 April 1999, referred to in paragraph 2(c) of the relief sought in the Motion, shall not be admitted;
- (5) The additional Republic of Serbia Closed Sessions, referred to in paragraph 2(d) of the relief sought in the Motion, shall not be admitted;
- (6) The intercepts referred to in paragraph 22 of the Motion have been authenticated by the relevant witnesses; and

- (7) The Trial Chamber confirms the exhibit numbers given to the Rule 92 *bis* packages, referred to in paragraph 2(d) of the relief sought in the Motion and as set out in Annex C to the Motion.

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



Patrick Robinson
Judge

Dated this twenty-fifth day of February 2004
At The Hague
The Netherlands

[Seal of the Tribunal]