



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of
Former Yugoslavia since 1991

Case No. IT-95-13/1-T
Date: 7 December 2006
Original: English

IN TRIAL CHAMBER II

Before: Judge Kevin Parker, Presiding
Judge Christine Van Den Wyngaert
Judge Krister Thelin

Registrar: Mr Hans Holthuis

Decision: 7 December 2006

PROSECUTOR

v.

**MILE MRKŠIĆ
MIROSLAV RADIĆ
VESELIN ŠLJIVANČANIN**

**ORDER ON VERIFICATION OF TRANSCRIPT OF A VIDEO
RECORDING**

The Office of the Prosecutor:

Mr Marks Moore
Mr Philip Weiner
Mr Vincent Lunny
Ms Meritxell Regue
Mr Alexis Demirdjian

Counsel for the Accused:

Mr Miroslav Vasić and Mr Vladimir Domazet for Mile Mrkšić
Mr Borivoje Borović and Ms Mira Tapušević for Miroslav Radić
Mr Novak Lukić and Mr Momčilo Bulatović for Veselin Šljivančanin

1. On 7 November 2006 the Office of the Prosecutor (“Prosecution”) filed “Prosecution Motion for the Admission of Documents Marked for Identification, with Confidential Annex H” (“Motion”) seeking, *inter alia*, the admission into evidence of a document, presently known as MFI 69. MFI 69 is the transcript of a video recording, which was tendered into evidence on 17 November 2005. While the video recording to which MFI 69 pertains was admitted into evidence as Exhibit 70, following an objection from the Defence that portions of the video were missing from the transcript, the transcript was marked for identification as MFI 69. The Prosecution submits that the transcript now has been reviewed and served on the Defence.

2. In its “Joint Defence Response to Prosecution Motion for the Admission of Documents Marked for Identification” filed on 21 November 2006 the Defence responds that Veselin Šljivančanin did not utter the words reflected in the proposed translation and indicated that they intended to clarify the discrepancies through witness Petar Stojić. The issue was not resolved during the testimony of Petar Stojić and the Šljivančanin Defence proposed that the Defence and the Prosecution, with the assistance of the interpreters, try to reach an agreement as to what was said in the video recording.¹ It was indicated by the Defence in court on 7 December 2006 that the Defence and the Prosecution were not able to agree on the review of the transcript and the Chamber’s assistance in resolving the matter was sought.

3. The Chamber has been moved to admit into evidence the transcript of this video recording. Its content has been disputed by the parties. An accurate transcription of the video recording is, therefore, necessary to enable the Chamber to reach a decision on the admissibility of this document.

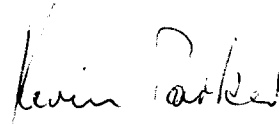
For the foregoing reasons and pursuant to Rule 54 of the Rules of Procedure and Evidence, the Chamber:

(1) Orders the Defence to identify the sections of the transcript known as MFI 69, the content of which is disputed, and the corresponding parts of the video recording which has been admitted as Exhibit 70, to the Conference and Language Services Section (CLSS);

(2) Orders CLSS to verify the identified sections of MFI 69 with the corresponding parts of Exhibit 70 and to report to the Chamber at its earliest convenience.

¹ T 15357-15358.

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



Judge Kevin Parker
Presiding

Dated this seventh day of December 2006
At The Hague
The Netherlands

[Seal of the Tribunal]