



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-04-74-T
Date: 6 December 2007
Original: ENGLISH
French

IN TRIAL CHAMBER III

Before: Judge Jean-Claude Antonetti
Judge Árpád Prandler
Judge Stefan Trechsel
Reserve Judge Antoine Kesia-Mbe Mindua

Registrar: Mr Hans Holthuis

Order of: 6 December 2007

THE PROSECUTOR

v.

**Jadranko PRLIĆ
Bruno STOJIĆ
Slobodan PRALJAK
Milivoj PETKOVIĆ
Valentin ĆORIĆ
Berislav PUŠIĆ**

PUBLIC

**DECISION ON THE REQUEST OF THE ACCUSED PRLIĆ TO OBTAIN A
B/C/S TRANSCRIPTION OF HIS STATEMENT**

The Office of the Prosecutor:

Mr Kenneth Scott
Mr Douglas stringer

Counsel for the Accused:

Mr Michael Karnavas and Ms Suzana Tomanović for Jadranko Prlić
Ms Senka Nožica and Mr Karim A.A. Khan for Bruno Stojić
Mr Božidar Kovačić and Ms Nika Pinter for Slobodan Praljak
Ms Vesna Alaburić and Mr Nicholas Stewart for Milivoj Petković
Ms Dijana Tomašegović-Tomić and Mr Dražen Plavec for Valentin Ćorić
Mr Fahrudin Ibrišimović and Mr Roger Sahota for Berislav Pušić

TRIAL CHAMBER III (“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 (“Tribunal”),

SEIZED of the oral request by the Accused Prlić presented at the hearings of 10 and 15 October 2007 (“Request”),¹ in which the Defence for the Accused Prlić (“Defence”) requested that the Chamber order the Office of the Prosecutor (“Prosecution”) to transcribe in B/C/S the statement he made to the Prosecution on 13 and 14 December 2001,

CONSIDERING that in support of its Request, the Defence refers to a decision rendered in the Perišić case on 27 September 2007, in which the pre-trial Judge granted a similar request,²

CONSIDERING that the Chamber recalls that before ruling on the Request it wished to wait for the Appeals Chamber decision on the admission of the statement by the Accused Prlić,

CONSIDERING that the Appeals Chamber decision of 23 November 2007³ confirmed the decision of the Chamber to admit the statement of the Accused Prlić, the Chamber now deems it necessary to rule on the Request,

CONSIDERING that the Chamber, just as was done by the pre-trial Judge in the Perišić case,⁴ would recall that Rule 43 (iv) (vi) of the Rules of Procedure and Evidence (“Rules”) provides that a copy of the recorded tape of the questioning of a subject, or if a multiple recording apparatus was used one of the original tapes, is to be supplied to the suspect and that the tape will be transcribed if the suspect becomes an accused.

CONSIDERING that this provision thus requires the Prosecution to provide not just a tape of the questioning but its transcription as well,

¹ Transcript of hearing in French, pp. 23610-23612 and pp. 23615-23618.

² *The Prosecutor v. Momčilo Perišić*, Case No. IT-04-81-PT, *Decision Regarding Defence Request for B/C/S Transcript of the Accused's Statement*, 27 September 2007 (“Perišić Decision”).

CONSIDERING that the Chamber notes in the present case that the Prlić Defence was provided with an English transcription,

CONSIDERING nevertheless that insofar as Rule 66 of the Rules relative to the disclosure of evidence by the Prosecution provides that the previous statements by an accused must be disclosed to the Defence in a language which the accused understands,

CONSIDERING that it is therefore necessary to provide a transcription of the Accused Prlić's statement in B/C/S,

FOR THE FOREGOING REASONS,

PURSUANT TO Rules 43 and 66 of the Rules,

GRANTS the request, **AND**

ORDERS the Prosecution to provide a B/C/S version of the transcription of the Accused Prlić's statement as soon as possible, and in any case before the end of the presentation of the Prosecution case.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this sixth day of December 2007
At The Hague
The Netherlands

[Seal of the Tribunal]

³ *The Prosecutor v. Prlić et al.*, IT-04-74-AR73.6, *Decision on Appeals Against Decision Admitting Transcript of Jadranko Prlić's Questioning into Evidence*, 23 November 2007.

⁴ *Perišić* Decision, para. 4.