5-06-86-T 17-568-D 17566 29 January 2008

17524 Yes.

UNITED NATIONS

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-04-82-T

Date:

29 January 2008

Original:

English

IN TRIAL CHAMBER II

Before:

Judge Kevin Parker, Presiding

Judge Christine Van Den Wyngaert

Judge Krister Thelin

Registrar:

Mr Hans Holthuis

Decision:

29 January 2008

PROSECUTOR

v. LJUBE BOŠKOSKI JOHAN TARČULOVSKI

PUBLIC

DECISION ON PROSECUTION'S MOTION TO ADMIT INTO EVIDENCE TRANSCRIPTS OF VIDEO MATERIAL WITH ANNEXES A-M

The Office of the Prosecutor:

Mr Dan Saxon

Counsel for the Accused:

Ms Edina Rešidović and Mr Guénaël Mettraux for Ljube Boškoski Mr Antonio Apostolski and Ms Jasmina Zivković for Johan Tarčulovski

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TRIAL CHAMBER II ("Chamber") of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Former Yugoslavia since 1991 ("Tribunal");

BEING SEIZED of the "Prosecution's Motion to Admit into Evidence Transcripts of Video Material with Annexes A-M" ("Motion") filed by the Office of the Prosecutor ("Prosecution") on 3 January 2008, in which the Prosecution seeks to admit into evidence transcripts ("Transcripts") that correspond to 12 video clips that have already been admitted into evidence ("Video Clips");

NOTING that while the Chamber has previously admitted into evidence the Video Clips during the course of the Prosecution's case, the Transcripts which are the subject of this Motion have not yet been tendered into evidence;

NOTING that on 6 December 2007, at the close of their case, the Prosecution made an oral submission seeking to tender into evidence the Transcripts for the Video Clips;

NOTING that the Chamber indicated that the request to admit the Transcripts should be made by way of a written motion;

NOTING that Counsel for Ljube Boškoski ("Boškoski Defence") filed a response to the Motion on 17 January 2008 indicating that it does not object to the Motion but that it has identified a number of problems with the translation in some of the Transcripts, which it undertakes to submit to CLSS for official verification;

NOTING that Counsel for Johan Tarčulovski ("Tarčulovski Defence") did not file a response;

CONSIDERING that pursuant to Rule 89(C) of the Rules of Procedure and Evidence of the Tribunal, the Chamber may admit any relevant evidence which it deems to have probative value;

CONSIDERING that the Chamber has already determined that the Video Clips are of sufficient relevance and probative value to be admitted into evidence;

CONSIDERING that the Transcripts correspond to the Video Clips and that their admission into evidence will therefore be in the interests of justice;

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For the foregoing reasons the Chamber

GRANTS the Motion; and

REQUESTS the Registry to assign corresponding exhibit numbers to the admitted transcripts.

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

Judge Kevin Parker

Presiding

Dated this 29th day of January 2008 At The Hague The Netherlands

Case No.: IT-04-82-T

[Seal of the Tribunal]