



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-03-69-PT
Date: 18 March 2008
Original: English

IN TRIAL CHAMBER III

Before: Judge Patrick Robinson, Presiding
Judge Pedro David,
Judge Michèle Picard

Registrar: Mr. Hans Holthuis

Decision of: 18 March 2008

PROSECUTOR

v.

**JOVICA STANIŠIĆ
AND
FRANKO SIMATOVIĆ**

PUBLIC

**DECISION ON PROSECUTION MOTION TO
WITHDRAW 17 PENDING APPLICATIONS FOR
ADMISSION OF EVIDENCE IN WRITTEN FORM
UNDER RULES 92 *bis* AND 92 *quater* OF THE RULES**

The Office of the Prosecutor

Mr. Dermot Groome
Ms. Doris Brehmeier-Metz
Mr. Gregory Townsend
Mr. John Docherty

Counsel for the Accused

Mr. Geert-Jan Alexander Knoops and Mr. Wayne Jordash for Jovica Stanišić
Mr. Zoran Jovanović and Vladimir Domazet for Franko Simatović

TRIAL CHAMBER III (“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 (“Tribunal”);

BEING SEISED of the “Prosecution Motion to Withdraw 17 Pending Applications for Admission of Evidence in Written Form Under 92 *bis* and 92 *quater*” filed confidentially on 22 February 2008 (“Motion”),¹ in which the Prosecution, *inter alia*, seeks leave to withdraw 15 applications for the admission of written evidence pursuant to Rule 92 *bis* of the Rules of Procedure and Evidence (“Rules”) and two requests for admission of written evidence pursuant to Rule 92 *quater* of the Rules;²

NOTING that neither the Defence for Jovica Stanišić nor the Defence for Franko Simatović responded to the Prosecution’s Motion;

NOTING that on 21 May 2007 the Prosecution filed its “Motion for Admission of Written Evidence Pursuant to Rule 92 *bis* with Confidential Annexes A through K and *Ex Parte* and Confidential Annex L” and its “Motion for Admission of Evidence of Witnesses Unavailable Pursuant to Rule 92 *quater* with Confidential Annexes”;

NOTING that on 4 February 2008 the Trial Chamber ordered that the Prosecution do “not present evidence in respect of the second incident described in paragraph 24 of the Indictment and the incidents described in paragraphs 26, 30, 31, 37, 38, 40, 41, 42, 46 and 50 of the Indictment”, and ordered the Prosecution to “file an amended Rule 65 *ter* witness list” no later than 11 February 2008;³

NOTING that on 11 February 2008 the Prosecution filed its Amended 65 *ter* Witness List, in which several witnesses had been removed as a result of the Trial Chamber Decision of 4 February 2008;⁴

NOTING that the Prosecution seeks leave to withdraw its pending applications for the admission of written evidence pursuant to Rule 92 *bis* and Rule 92 *quater* of the Rules for the witnesses who have been removed from the Prosecution 65 *ter* Witness List;⁵

CONSIDERING that the withdrawal of these pending applications does not cause a discernible prejudice to the Accused Jovica Stanišić and Franko Simatović;

¹ The “Complete Version” of the Prosecution Motion to Withdraw 17 Pending Applications for Admission of Evidence in Written Form Under 92 *bis* and 92 *quater* was filed on 25 February 2008.


² Motion, para. 3.

³ *Prosecutor v. Jovica Stanišić and Franko Simatović*, Case No. IT-03-69-PT, Decision Pursuant to Rule 73 *bis*(D), 4 February 2008.

FOR THE FOREGOING REASONS,

HEREBY GRANTS the Prosecution leave to withdraw its pending applications for the admission of written evidence pursuant Rule 92 *bis* and 92 *quarter* of the Rules for the 17 witnesses listed in Annex A to the Motion.

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



Judge Patrick Robinson
Presiding

Dated this eighteenth day of March 2008

At The Hague

The Netherlands

[Seal of the Tribunal]

⁴ Prosecution's Motion Seeking Leave to Amend Its Revised Second Amended Indictment in Compliance with the 4 February 2008 73 *bis*(D) Decision of the Pre-Trial Chamber, 11 February 2008.

⁵ Annex A to the Motion provides for the list of witnesses removed from the Prosecution 65 *ter* Witness List.