



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: 26 March 2009  
Original: ENGLISH  
French

**IN TRIAL CHAMBER III**

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

**Acting Registrar:** Mr John Hocking

**Decision of:** 26 March 2009

**THE PROSECUTOR**

v.

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

***PUBLIC***

**DECISION ON PROSECUTION MOTION TO EXCLUDE THE EVIDENCE  
OF MARIO MILOŠ**

**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 “Prosecution Motion to Exclude the Irrelevant Evidence of Witness Mario Miloš”, filed by the Office of the Prosecutor (“Prosecution”) on 25 March 2009 (“Motion”), in which the Prosecution requests that the Chamber order the exclusion of the evidence of Mario Miloš,

**CONSIDERING** that the Prosecution is of the view that insofar as Witness Mario Miloš will testify about the delivery of equipment from the Duboki Jarek depot in the Republic of Croatia to the ABiH, the testimony of Mario Miloš will not contribute any new information relevant to the case,<sup>1</sup>

**CONSIDERING** that the Prosecution has been in the possession of the witness list filed by Counsel for the Accused Stojić pursuant to Rule 65 *ter* of the Rules of Procedure and Evidence (“Rules”) since March 2008 and that it filed the Motion only a few days before the arrival of Witness Mario Miloš, who is scheduled to appear on Monday 30 March 2009,

**CONSIDERING**, furthermore, that the Prosecution did not provide any explanation to the Chamber regarding the reasons why this Motion was filed so late,

**CONSIDERING** that the Chamber consequently finds that the Motion is extremely late and decides that it is inadmissible,

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<sup>1</sup> Motion, paras. 2 and 3.

**FOR THE FOREGOING REASONS,**

**PURSUANT TO** Rules 89 (C) and (D) and 90 (F) of the Rules

**DENIES** the Motion.

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

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Jean-Claude Antonetti  
Presiding Judge

Done this twenty-sixth day of March 2009  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**