



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-05-88/2-T

Date: 11 March 2010

Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Christoph Flügge, Presiding  
Judge Antoine Kesia-Mbe Mindua  
Judge Prisca Matimba Nyambe

**Registrar:** Mr. John Hocking

**Order/Decision:** 11 March 2010

**PROSECUTOR**

v.

**ZDRAVKO TOLIMIR**

**PUBLIC**

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**DECISION ON MOTION FOR THE PROSECUTION TO ACT IN  
ACCORDANCE WITH ITS OBLIGATIONS UNDER THE DECISION OF  
25 NOVEMBER 2009**

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**Office of the Prosecutor**

Mr. Peter McCloskey

**The Accused**

Zdravko Tolimir

**THIS 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 “Request for the Chamber to Order the Prosecution to Act in Accordance with its Obligations Proceeding from the Chamber’s Decision of 25 November 2009” submitted by the Accused Zdravko Tolimir (“Accused”) on 8 February 2010 and filed in the English version on 9 February 2010 (“Motion”);

**NOTING** the “Decision on Prosecution’s Motion for Admission of Evidence Pursuant to Rule 92 *Quater*”, issued on 25 November 2009 (“Decision”)

**NOTING** that in the Motion the Accused stated that the Prosecution had done nothing to fulfil its obligations resulting from the Decision in regard to the testimony of Miroslav Deronjić and that this omission was considerably complicating the forthcoming proceedings and causing uncertainty with regard to the content of the list of exhibits;<sup>1</sup>

**NOTING** that the Accused requested the Trial Chamber to order the Prosecution to fulfil its obligations proceeding from the Decision, in the shortest possible time, and no less than five days before the Prosecution begins its presentation of evidence;<sup>2</sup>

**NOTING** the “Response to the Accused’s Request for the Chamber to Order the Prosecution to Act in Accordance with its Obligations Proceeding from the Chamber’s Decision of 25 November 2009” filed on 23 February 2010 (“Response”);

**NOTING** that in the Response the Prosecution stated that it was aware of its obligations pursuant to the Decision and that although the Decision did not give a deadline it expected to be able to provide the required material by the start of trial;<sup>3</sup>

**NOTING** the “Prosecution Submission Pursuant to the Trial Chamber’s 25 November 2009 Decision” filed on 25 February 2010 (“Prosecution Submission”) whereby the Prosecution filed portions of transcripts which were used to impeach Miroslav Deronjić during the course of his testimony in *Prosecutor v. Blagović and Jokić* and were not read into the record *verbatim*;<sup>4</sup>

**CONSIDERING** that the Prosecution has acted in accordance with the Decision;

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<sup>1</sup> Motion, para. 4.

<sup>2</sup> Motion, para. 6.

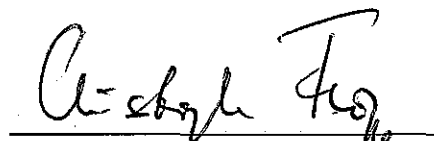
<sup>3</sup> Response, para. 2.

<sup>4</sup> Prosecution Submission, para. 2, Appendix A.

**CONSIDERING** that the Motion is now moot;

**HEREBY DENIES** the Motion.

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



Judge Christoph Flügge

Presiding Judge

Dated this eleventh day of March 2010  
At The Hague  
The Netherlands

[Seal of the Tribunal]