

UNITED
NATIONS

IT-08-91-T
06130-06128
19 MARCH 2010

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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-08-91-T
Date: 18 March 2010
Original: English

IN TRIAL CHAMBER II

Before: Judge Burton Hall, Presiding
Judge Guy Delvoie
Judge Frederik Harhoff

Registrar: Mr. John Hocking

Decision of: 18 March 2010

PROSECUTOR

v.

MIĆO STANIŠIĆ AND STOJAN ŽUPLJANIN

PUBLIC

**DECISION DENYING MOTION BY
DEFENCE OF MR. MIĆO STANIŠIĆ TO ADMIT INTO
EVIDENCE DOCUMENTS RELEVANT FOR
CROSS-EXAMINATION OF ST-158**

The Office of the Prosecutor

Ms. Joanna Korner
Mr. Thomas Hannis

Counsel for the Accused

Mr. Slobodan Zečević and Mr. Slobodan Cvijetić for Mićo Stanišić
Mr. Igor Pantelić and Mr. Dragan Krgović for Stojan Župljanin

TRIAL CHAMBER II (“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 “Motion by the Defence of Mićo Stanišić to admit into evidence documents relevant for the cross-examination of Dorothea Hanson”, filed on 11 January 2010 (“Motion”), whereby the Defence of Mićo Stanišić (“Stanišić Defence”) requests the admission into evidence of 42 documents;¹

NOTING that neither the Prosecution nor the Defence of Stojan Župljanin responded;

RECALLING that during the cross-examination of Dorothea Hanson on 10 December 2009, the Stanišić Defence sought leave to tender into evidence several documents pursuant to the expedited procedure established orally by the Trial Chamber on 26 October 2009, as amended on 8 December 2009 (“Procedure”), for the purpose of facilitating the process of tendering and admitting into evidence large numbers of substantively similar documents through a witness;²

RECALLING that pursuant to this Procedure, the Parties may, by way of a written motion prior to the testimony of a witness, seek admission into evidence of large groups of substantially similar documents by way of showing only a couple of representative samples of the documents to the witness, provided the witness had been given an opportunity to see and is familiar with the documents prior to his or her testimony, and the moving Party is able to confirm that all of the documents are of a substantially similar kind and nature;³

NOTING the Stanišić Defence submission on 10 December 2009 that it would group the documents concerned into two categories, “ten documents concerning the Crisis Staffs of the HDZ, the SDA and others” and “another ten documents [...] at a maximum” concerning Bosnian Serb Crisis Staffs, and that it would show a representative document from each category to Dorothea Hanson;⁴

NOTING that, contrary to the Stanišić Defence submission on 10 December 2009, it now seeks by the Motion to tender into evidence 42 documents organised into five categories;⁵

CONSIDERING that the Stanišić Defence has not provided any information that it allowed Dorothea Hanson an opportunity to comment on the documents before her testimony;

¹ Motion, para. 3.

² Dorothea Hanson, 10 Dec 2009, T. 4530; Oral decision concerning admission into evidence of bundle documents relating to witness ST111, 26 Oct 2009, T. 4014-4016; Decision denying Prosecution’s request for admission of unexhibited documents through witness ST161, 8 Dec 2009, p. 1.

³ Oral Ruling, T. 4014-4016; Decision, p. 1.

⁴ Dorothea Hanson, 10 Dec 2009, T. 4537.

⁵ Motion, Annex A, pp 4-6.

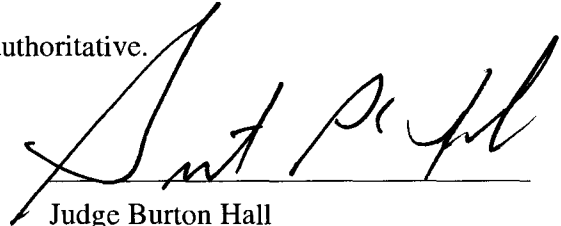
CONSIDERING that, during its cross-examination of Dorothea Hanson, the Stanišić Defence failed to confront her with any of the 42 documents which it seeks to have admitted into evidence and that none of the documents presented by the Stanišić Defence appear to be representative of the five categories which the Stanišić Defence lists in the Motion;

CONSIDERING that the Stanišić Defence does not explain the relevance of the 42 documents;

PURSUANT TO Rules 54 and 89(C);

DENIES the Motion.

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



Judge Burton Hall

Presiding

Dated this eighteenth day of March 2010

At The Hague

The Netherlands

[Seal of the Tribunal]