IT. 08.91. T D 6836 - D 6834 19 MAY 2010

UNITED NATIONS

International Tribunal for the Prosecution of Case No: IT-08-91-T Persons Responsible for Serious Violations of Date: International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 Original:

IN TRIAL CHAMBER II

Before:	Judge Burton Hall, Presiding Judge Guy Delvoie Judge Frederik Harhoff
Registrar:	Mr. John Hocking
Decision of:	19 May 2010

PROSECUTOR

V.

MIĆO STANIŠIĆ AND STOJAN ŽUPLJANIN

PUBLIC

DECISION ON PROSECUTION'S MOTION OF 18 FEBRUARY 2010 TO AMEND ITS RULE 65 TER **EXHIBIT LIST FOLLOWING PROSECUTION'S CLARIFICATION OF 23 APRIL 2010**

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

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6836 PC

19 May 2010

English

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");

REMAINING SEISED in part of the "Prosecution's motion to amend its Rule 65 ter list of exhibits", filed on 18 February 2010 ("Motion") in respect, inter alia, of the following 19 documents, which the Prosecution sought to remove from its Rule 65 ter exhibit list: Rule 65 ter nos. 931, 1598, 1621, 1622, 1624, 1625, 1626. 1627, 1628, 1629, 1631, 1632, 1636, 1829, 2476, 3007, 3157, 3179 and 3381 ("19 duplicates");¹

RECALLING that on 14 April 2010 the Trial Chamber issued a decision granting the Motion in part and seeking clarification from the Prosecution in respect of its request to withdraw the 19 duplicates ("Decision"), indicating that, as the Prosecution sought withdrawal on the basis of their "marginal relevance to the issues in this trial",² rather than on the basis of being duplicates, the Trial Chamber would have expected the Prosecution to seek withdrawal of both the 19 duplicates and the corresponding originals;³

NOTING the "Prosecution's motion providing clarification sought by the Trial Chamber with regard to documents on the 65ter exhibit list", filed on 23 April 2010 ("Clarification") in which the Prosecution submits that the 19 originals remain relevant to the case and that it therefore wishes to keep the originals on the list of exhibits while removing the duplicates;⁴

CONSIDERING that 17 of the 19 originals have already been admitted in evidence,⁵ and that it is neither in the interests of justice nor of any benefit to the proceedings to retain duplicates of documents on the Rule 65 ter list;

RECALLING that, in the Decision, the Trial Chamber noted a discrepancy with regard to the title of Rule 65 ter no. 283 and ordered the Prosecution also to clarify the Motion in this respect;⁶

¹ Motion, Annex G.

² Decision granting in part the Prosecution's motion of 18 February 2010 to amend its Rule 65 ter exhibit list and denying the supplemental motion of 2 March 2010, 14 Apr 2010, para. 55, referring to Motion, para. 23. ^b Decision, paras 55 and 59.

⁴ Prosecution's motion providing clarification sought by the Trial Chamber with regards to documents on the Rule 65 ter list, 23 Apr 2010.

Clarification, para. 2 and fn 4, referring to the following Rule 65 ter numbers followed, in parenthesis, by the exhibit number: 1633 (P427.18), 97 (P70), 1229 (P260), 1230 (P261), 1231 (P274), 1232 (P232), 1236 (P276), 1243 (P277), 1245 (P278), 1247 (P279), 930 (P201), 1257 (P281), 49 (P181), 1589 (P750), 823 (P448), 3113 (P945) and 283 (P425). ⁶ Decision, paras 56 and 59.

NOTING the Prosecution submission in the Clarification that, with regard to the "difference in the title of 65*ter* 283 (admitted as P425) in eCourt and in the list of exhibits filed on 8 June 2009",⁷ "the title in eCourt is correct"⁸;

CONSIDERING, therefore, that no further action is required in respect of Rule 65 ter number 283;

PURSUANT TO Rule 54

GRANTS leave to the Prosecution to remove the 19 duplicates from its Rule 65 ter exhibit list.

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

PUM Judge Burton Hall

Presiding

Dated this nineteenth day of May 2010 At The Hague The Netherlands

[Seal of the Tribunal]

⁷ Clarification, para. 3. ⁸ *Ibid*.