

**UNITED
NATIONS**



International Tribunal for the Prosecution of
Persons Responsible for Serious Violations of
International Humanitarian Law Committed in
the Territory of Former Yugoslavia since 1991

Case No. IT-04-81-T
Date: 17 February 2011
Original: English

IN TRIAL CHAMBER I

Before: Judge Bakone Justice Moloto, Presiding
Judge Pedro David
Judge Michèle Picard

Registrar: Mr. John Hocking

Decision of: 17 February 2011

PROSECUTOR

v.

MOMČILO PERIŠIĆ

PUBLIC

**DECISION ON PROSECUTION REQUEST TO
REGULATE CERTAIN EXHIBITS**

The Office of the Prosecutor

Mr. Mark Harmon

Counsel for the Accused

Mr. Novak Lukić
Mr. Gregor Guy-Smith

TRIAL CHAMBER I (“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”) is seised of the “Prosecution Request to Regulate Certain Exhibits”, filed publicly on 8 February 2011 (“Motion”) whereby it seeks the admission of remaining Marked for Identification (“MFI”) documents and the regulation of certain exhibits.¹ The Trial Chamber hereby renders its Decision.

I. APPLICABLE LAW

1. The Trial Chamber recalls the law applicable to the present Motion as set out in a previous decision of this Trial Chamber.²

II. DISCUSSION

A. MFI Documents Where the Defence Sought Review

2. The Prosecution informs the Trial Chamber that the Defence now agrees that documents P1514, P1618, P1619, P1620, P1799, P1800, P1812, P1813, P1816, P1820, P1822, P1827, P2098, P2105, P2106, P2108, P2119, P2132, P2133 and P2134 tendered during the testimony of Bretton Randall should be admitted.³ The Defence had previously requested that they be marked as MFI to allow further review.⁴ The Trial Chamber is satisfied that these documents are relevant and of probative value, and admits them into evidence.⁵

B. MFI Documents with Flawed Translations

3. The Prosecution also requests that the following documents be regulated by either replacing the existing English translations or attaching new English translations with requested stipulations: P2628, P2630, P2694, P2894, P2895, P2897, P2898, P2899, P2900, P2901, P2902, P2903, P2904, P2905, P2906, P2907, P2908, P2909, P2910, P2911, P2912, P2913, P2914, P2924, P2931, P2932, P2943 and P2944.⁶ The Prosecution requests that the MFI status of those documents be lifted and that they be admitted into evidence after the regulations are made.⁷ The Trial Chamber is satisfied

¹ Motion, para. 1.

² Decision Regarding Outstanding Documents Marked for Identification, 21 December 2009, paras 9-13.

³ Motion, para. 3.

⁴ Motion, para. 3.

⁵ Motion, para. 3.

⁶ Motion, paras 4-5.

⁷ Motion, paras 4-5.

of the relevance and probative value of those documents, and admits them into evidence upon regulation of their translation as indicated in the Motion.⁸

C. Documents that the Prosecution Seeks to Withdraw

4. The Prosecution seeks to withdraw P1803 and P1814 and have them removed from the record.⁹ The Trial Chamber finds therefore that these documents should be removed from the trial record.¹⁰

D. Admitted Documents with Flawed Translations

5. The Prosecution seeks regulation of the specified translations for the following documents that have been admitted into evidence but contain errors: P33, P39, P168, P197, P762, P801, P872, P983, P1524, P1612, P1655, P1658, P1662, P1729, P1730, P1731, P1769, P1880, P1895, P1899, P1902, P2113, P2413, P2827.¹¹ The Trial Chamber finds that these exhibits should be regulated in accordance with the specific instructions contained in the Motion.¹²

E. Sealed Exhibits and Exhibits Containing Extraneous Pages

6. The Prosecution requests that the seal be lifted from P33 and P39 upon replacement of the transcripts from which they are formed.¹³ The Prosecution also requests that extraneous pages be removed from P1691 and P1683.¹⁴ The Trial Chamber finds that the seal should be removed from P33 and P39 upon the replacement of the transcripts from which they are formed, and that the extraneous documents should be removed from P1683 and P1691 as indicated in the Motion.¹⁵

III. DISPOSITION

PURSUANT TO Rules 54 and 89 of the Rules of Procedure and Evidence, the Trial Chamber:

GRANTS the Motion;

ADMITS the following documents into evidence and removes their MFI status:

⁸ Motion, paras 4-5.

⁹ Motion, para. 6.

¹⁰ Motion, para. 6.

¹¹ Motion, paras 7-9.

¹² Motion, para. 7(1).

¹³ Motion, para. 7(2).

¹⁴ Motion paras 8-9.

¹⁵ Motion, paras 7-9.

P1514, P1618, P1619, P1620, P1799, P1800, P1812, P1813, P1816, P1820, P1822, P1827, P2098, P2105, P2106, P2108, P2119, P2132, P2133 and P2134;

ADMITS the following documents into evidence and removes their MFI status upon regulation of their translations as indicated in the Motion:

P2628, P2630, P2694, P2894, P2895, P2897, P2898, P2899, P2900, P2901, P2902, P2903, P2904, P2905, P2906, P2907, P2908, P2909, P2910, P2911, P2912, P2913, P2914, P2924, P2931, P2932, P2943 and P2944;

REMOVES the extraneous pages from P1683 and P1691;

LIFTS the seal on P33 and P39;

INSTRUCTS the Registry: (i) to regulate exhibits P33, P39, P168, P197, P762, P801, P872, P983, P1524, P1612, P1655, P1658, P1662, P1683, P1691, P1729, P1730, P1731, P1769, P1880, P1895, P1899, P1902, P2113, P2413, P2827, P2628, P2630, P2694, P2894, P2895, P2897, P2898, P2899, P2900, P2901, P2902, P2903, P2904, P2905, P2906, P2907, P2908, P2909, P2910, P2911, P2912, P2913, P2914, P2924, P2931, P2932, P2943 and P2944 in accordance with the specific instructions contained in the Motion; and to (ii) remove P1803 and P1814 from the trial record.

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



Judge Bakone Justice Moloto
Presiding Judge

Dated this seventeenth day of February 2011

At The Hague

The Netherlands

[Seal of the Tribunal]