



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-03-67-T  
Date: 5 August 2011  
Original: ENGLISH  
French

**IN TRIAL CHAMBER III**

**Before:** Judge Jean-Claude Antonetti, Presiding  
Judge Frederik Harhoff  
Judge Flavia Lattanzi

**Registrar:** Mr John Hocking

**Decision of:** 5 August 2011

**THE PROSECUTOR**

**v.**

**VOJISLAV ŠEŠELJ**

***PUBLIC***

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**DECISION ON PROSECUTION REQUEST TO AUGMENT EXHIBIT P 878**

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**The Office of the Prosecutor**

Mr Mathias Marcussen

**The Accused**

Mr Vojislav Šešelj

**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 request filed publicly on 13 July 2011 by the Office of the Prosecutor (“Prosecution”), seeking to augment Exhibit P 878, entitled “Selected Portions of Miroslav Deronjić’s Testimony in the *Milošević* Case, 26 and 27 November 2003” (“Request”),<sup>1</sup>

**NOTING** the “Decision on Admission of Testimony of Miroslav Deronjić Pursuant to Rule 92 *quater* of the Rules of Procedure and Evidence including the Dissenting Opinion of Judge Jean-Claude Antonetti in Annex”, rendered publicly by the Chamber on 20 January 2010 (“Decision of 20 January 2010”), whereby the Chamber *inter alia* admitted to the record, by a majority with Judge Antonetti dissenting, selected portions from the testimony of Miroslav Deronjić (“Witness”) in Case No. IT-02-54 *The Prosecutor v. Slobodan Milošević* (“*Milošević* Case”), which took place on 26 and 27 November 2003 (“Testimony”),<sup>2</sup>

**CONSIDERING** that the Registry later assigned reference number P 878 to the Testimony as admitted to the record by the Decision of 20 January 2010,

**CONSIDERING** that the Prosecution in its Request seeks the admission to the record of a passage not in evidence from the testimony of the Witness in the *Milošević* Case on 27 November 2003 (“Selected Portion”),<sup>3</sup> on grounds that this Selected Portion makes it possible to clarify the statements previously made by the Witness appearing in the Testimony as admitted to the record by the Decision of 20 January 2010,<sup>4</sup>

<sup>1</sup> “Prosecution’s Request to Augment Exhibit P 878 by Three Transcript Lines”, public, 13 July 2011.

<sup>2</sup> Decision of 20 January 2010, paras 30 and 32.

<sup>3</sup> Request, para. 4; the passage not in evidence corresponds to lines 22-24, p. 15 (that is the *e-Court* page number) of Exhibit P 878 “Selected Portions of Miroslav Deronjić’s Testimony in the *Milošević* Case, 26 and 27 November 2003”. The selected portion not in evidence reads as follows: “Q: Tell me Mr. Deronjić, what kind of killing and expulsion are you talking about in 1991? A: I’m talking about the beginning of 1992”.

<sup>4</sup> Request, paras 3-5; the previous statements by the Witness which are at issue here can be found on admitted lines 18-20, p. 15 (that is the *e-Court* page number) of Exhibit P 878 “Selected Portions of Miroslav Deronjić’s Testimony in the *Milošević* Case, 26 and 27 November 2003”.

**CONSIDERING** that the Accused did not respond to the Request within the time-limit of 14 days, running from his receipt of the BCS version of the Request, as afforded him by Rule 126 *bis* of the Rules of Procedure and Evidence (“Rules”),<sup>5</sup>

**CONSIDERING** that the Chamber points out that the Selected Portion tendered for admission by the Prosecution corresponds to lines 22 to 24 of *e-Court* page 15 of P 878 and that this is a passage from P 878, redacted at present,<sup>6</sup>

**CONSIDERING** that the Chamber considers that this Selected Portion provides useful clarification inasmuch as it provides further detail concerning the statements made by the Witness in lines 18-20 of *e-Court* page 15 of P 878 and that the Chamber for this reason finds that the Request has a valid basis in law,

**FOR THE FOREGOING REASONS**

**PURSUANT TO** Rules 54 and 73 of the Rules of Procedure and Evidence,

**GRANTS** the Request, **AND**

**ORDERS** the Prosecution to augment Exhibit P 878 so that it includes lines 22-24 appearing on page 29757 of the French transcript (page 15 in the *e-Court* system) dated as of 27 November 2003, from the Witness in the *Milošević* Case.

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

/signed/  
Jean-Claude Antonetti  
Presiding Judge

Done this fifth day of August 2011  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**

<sup>5</sup> The Accused received the BCS translation of the Request on 20 July 2011 (see Procès-verbal of reception filed publicly on 27 July 2011) and had until 3 August 2011 to respond.

<sup>6</sup> Request, para. 4.