



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: 16 November 2011

Original: ENGLISH
French

IN TRIAL CHAMBER III

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

Registrar: Mr John Hocking

Order of: 16 November 2011

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC DOCUMENT

***CORRIGENDUM* TO “DECISION ON PROSECUTION MOTION FOR
RECONSIDERATION OF THE DECISION OF 7 JANUARY 2008
REJECTING THE ADMISSION OF MILAN BABIĆ’S TESTIMONY” OF 10
DECEMBER 2010**

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”),

PROPRIO MOTU

NOTING the decision on the admission of the testimony of Milan Babić pursuant to Rule 92 *quater* of the Rules of Procedure and Evidence (“Rules”), rendered as a public document on 10 December 2010 (“Decision of 10 December 2010”), in which the Chamber, *inter alia*, admitted into evidence Rule 65 *ter* document number 155,¹

CONSIDERING that the Chamber made a clerical error in paragraph 49 of the Decision of 10 December 2010² when it indicated that “the Chamber notes that this a decision of the SAO Krajina Executive Council, nominating Milan Babić as Secretary of the Interior of the SAO Krajina”,

CONSIDERING that the decision of the Executive Council of the SAO Krajina that the Chamber referred to in the Decision of 10 December 2010 actually nominated Milan Martić and not Milan Babić to the post of Secretary of the Interior of the SAO Krajina,

CONSIDERING that this clerical error led to the admission of 65 *ter* document 155 into evidence under the number P 1138 even though this exhibit is not actually relevant to the case,

CONSIDERING, therefore, that paragraph 49 of the Decision of 10 December 2010 that reads as follows:

“As regards 65 *ter* document number 155, presented by the Prosecution in relation to a portion of the Testimony considered admissible by the present decision, the Chamber notes that this is a decision of the SAO Krajina Executive Council, nominating Milan Babić as Secretary of the Interior of the SAO Krajina. The Chamber believes that its admission would allow for a better appreciation of the

¹ “Decision on Prosecution Motion for Reconsideration of the Decision of 7 January 2008 Rejecting the Admission of Milan Babić’s Testimony”, public, 10 December 2010.

² Decision of 10 December 2010, p. 13.

portion of the Testimony dealing with Milan Babić as a key figure and therefore has *prima facie* relevance for this case. According to the Chamber, the document also presents sufficient indicia of reliability and probative value to be tendered into evidence.”

should read as follows:

“As regards 65 *ter* document number 155, presented by the Prosecution in relation to a portion of the Testimony considered admissible by the present decision,³ the Chamber notes that this is a decision of the SAO Krajina Executive Council, nominating Milan Martić as Secretary of the Interior of the SAO Krajina. The Chamber considers that this decision is not necessary for an understanding of the Testimony of Milan Babić and bears no relevance to the present Case. Consequently, this document will not be admitted into evidence.”

CONSIDERING, in addition, that it is also appropriate to amend the disposition of the Decision of 10 December 2010,

CONSIDERING that since the sentence in the disposition of the Decision of 10 December 2010 reads as follows:

“2) to assign exhibit numbers to the following 65 *ter* exhibits: 155, 197, 450, 1332 and 2083.”

it should be replaced by the following sentence:

“2) to assign exhibit numbers to the following 65 *ter* exhibits: 197, 450, 1332 and 2083.”

FOR THE FOREGOING REASONS

PROPRIO MOTU

PURSUANT TO Rules 54 and 89 of the Rules,

³ Hearing of 18 November 2002, T(F) 12861-12938.

ORDERS that paragraph 49 of the Decision of 10 December 2010 now read as follows:

“49. As regards 65 *ter* document number 155, presented by the Prosecution in relation to a portion of the Testimony considered admissible by the present decision,⁴ the Chamber notes that this is a decision of the SAO Krajina Executive Council, nominating Milan Martić as Secretary of the Interior of the SAO Krajina. The Chamber considers that this decision is not necessary for an understanding of the Testimony of Milan Babić and bears no relevance to the present Case. Consequently, this document will not be admitted into evidence.”

AND

ORDERS that number 2) of the disposition in the Decision of 10 December 2010 read as follows:

“2) to assign exhibit numbers to the following 65 *ter* exhibits: 197, 450, 1332 and 2083.”

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

/signed/
Jean-Claude Antonetti
Presiding Judge

Done this sixteenth day of November 2011
At The Hague
The Netherlands

[Seal of the Tribunal]

⁴ Hearing of 18 November 2002, T(F) 12861-12938.