

**UNITED
NATIONS**



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-09-92-T
Date: 9 September 2016
Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding
Judge Bakone Justice Moloto
Judge Christoph Flügge

Registrar: Mr John Hocking

Decision of: 9 September 2016

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

DECISION IN RELATION TO EXHIBIT P5279

Office of the Prosecutor

Mr Peter McCloskey
Mr Alan Tieger

Counsel for Ratko Mladić

Mr Branko Lukić
Mr Miodrag Stojanović

TRIAL CHAMBER I 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 (“Chamber” and “Tribunal”, respectively);

BEING SEISED of the Prosecution request communicated by email on 25 August 2016, seeking the replacement of exhibit P5279, a log book of the 1st Krajina Corps, with a revised version containing an additional page (“Request”);

NOTING the Prosecution submission that it only recently discovered that the additional page was inadvertently excluded when the document was uploaded into eCourt;

NOTING that on 29 August 2016, the Defence objected and opposed the Request (“Objection”), submitting that the final stage for the Prosecution to bring new documents would have been rebuttal;¹

NOTING that on 5 September 2016, the Prosecution responded to the Objection, submitting that it seeks to address an oversight made earlier in the case, not to tender new or rebuttal evidence;²

CONSIDERING that the Chamber closed the Prosecution’s case on 26 February 2014;³

CONSIDERING that the Prosecution’s in-court witnesses during the re-opening of its case-in-chief were heard between 22 June and 8 July 2015;⁴

CONSIDERING that Rule 85 of the Tribunal’s Rules of Procedure and Evidence (“Rules”) sets out the sequence of presentation of evidence;

¹ Notice of Defence Objection to Adding Prosecution Evidence Following the Close of Prosecution Case, 29 August 2016, paras. 1, 9, 13.

² Prosecution Response to Notice of Defence Objection to Adding Prosecution Evidence Following the Close of Prosecution Case, 5 September 2016, paras. 1, 7.

³ Prosecution Notice of the Close of its Case-in-Chief, 24 February 2014; Scheduling and Closing Order, 26 February 2014.

⁴ Decision on Prosecution Motion to Re-Open its Case-In-Chief, 23 October 2014; T. 36085, 36885.

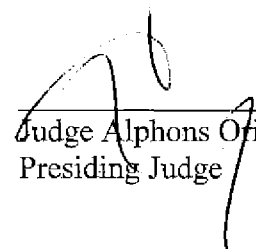
CONSIDERING the untimely nature of the Request;

FOR THE FOREGOING REASONS

PURSUANT TO Rule 85 of the Rules;

DENIES the Request.

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



Judge Alphons Orie
Presiding Judge

Dated this ninth day of September 2016
At The Hague
The Netherlands

[Seal of the Tribunal]