



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-04-74-T
Date: 26 March 2009
Original: ENGLISH
French

IN TRIAL CHAMBER III

Before: Judge Jean-Claude Antonetti, presiding
Judge Árpád Prandler
Judge Stefan Trechsel
Reserve Judge Antoine Kesia-Mbe Mindua

Acting Registrar: Mr John Hocking

Decision of: 26 March 2009

THE PROSECUTOR

v.

Jadranko PRLIĆ
Bruno STOJIC
Slobodan PRALJAK
Milivoj PETKOVIĆ
Valentin ĆORIĆ
Berislav PUŠIĆ

PUBLIC

**DECISION ON PROSECUTION MOTION TO EXCLUDE THE EVIDENCE
OF MARIO MILOŠ**

The Office of the Prosecutor:

Mr Kenneth Scott
Mr Douglas Stringer

Counsel for the Accused:

Mr Michael Karnavas and Ms Suzana Tomanović for Jadranko Prlić
Ms Senka Nožica and Mr Karim A. A. Khan for Bruno Stojić
Mr Božidar Kovačić and Ms Nika Pinter for Slobodan Praljak
Ms Vesna Alaburić and Mr Nicholas Stewart for Milivoj Petković
Ms Dijana Tomašegović-Tomić and Mr Dražen Plavec for Valentin Ćorić
Mr Fahrudin Ibrišimović and Mr Roger Sahota for Berislav Pušić

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 “Prosecution Motion to Exclude the Irrelevant Evidence of Witness Mario Miloš“, filed by the Office of the Prosecutor (“Prosecution”) on 25 March 2009 (“Motion”), in which the Prosecution requests that the Chamber order the exclusion of the evidence of Mario Miloš,

CONSIDERING that the Prosecution is of the view that insofar as Witness Mario Miloš will testify about the delivery of equipment from the Duboki Jarek depot in the Republic of Croatia to the ABiH, the testimony of Mario Miloš will not contribute any new information relevant to the case,¹

CONSIDERING that the Prosecution has been in the possession of the witness list filed by Counsel for the Accused Stojić pursuant to Rule 65 *ter* of the Rules of Procedure and Evidence (“Rules”) since March 2008 and that it filed the Motion only a few days before the arrival of Witness Mario Miloš, who is scheduled to appear on Monday 30 March 2009,

CONSIDERING, furthermore, that the Prosecution did not provide any explanation to the Chamber regarding the reasons why this Motion was filed so late,

CONSIDERING that the Chamber consequently finds that the Motion is extremely late and decides that it is inadmissible,

¹ Motion, paras. 2 and 3.

FOR THE FOREGOING REASONS,

PURSUANT TO Rules 89 (C) and (D) and 90 (F) of the Rules

DENIES the Motion.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this twenty-sixth day of March 2009
At The Hague
The Netherlands

[Seal of the Tribunal]