



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: 10 March 2008
Original: ENGLISH
French

IN TRIAL CHAMBER III

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

Registrar: Mr Hans Holthuis

Decision of: 10 March 2008

THE PROSECUTOR

v.

VOJISLAV ŠEŠELJ

PUBLIC DOCUMENT

**DECISION ON THE EVIDENCE OF WITNESS VILIM KARLOVIĆ
PURSUANT TO RULE 92 *TER* OF THE RULES OF PROCEDURE AND
EVIDENCE**

The Office of the Prosecutor

Mr Daryl Mundis

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 oral motion by the Office of the Prosecutor (“Prosecution”) presented on 6 March 2008 (“Motion”) to hear Witness Vilim Karlović according to the procedure provided in Rule 92 *ter* of the Rules of Procedure and Evidence of the Tribunal (“Rules”);¹

NOTING Rule 92 *ter* of the Rules;

CONSIDERING that in the Decision on the Prosecution's Consolidated Motion pursuant to Rules 89 (F), 92 *bis*, 92 *ter* and 92 *quater* of the Rules of Procedure and Evidence, rendered confidentially by the Chamber on 7 January 2008 (“First Decision”), the Chamber (i) set out the admissibility criteria concerning Prosecution requests for the admission of transcripts of evidence and of statements in other cases,² and (ii) denied the admission of transcripts of evidence, in particular for Witness Vilim Karlović, because of a demonstrated lack of relevance and in view of their volume;³

CONSIDERING that the Accused has reiterated on several occasions his objection in principle to the application of Rule 92 *ter* of the Rules;⁴

CONSIDERING that in the First Decision the Chamber held that

if the Prosecution were to file [a motion tailored specifically to the requirements of the case against the Accused], the Chamber would then analyse it in the light of the above criteria, notably its relevance, in particular, taking into consideration, if need be, the response by the Accused within a 14-day time-limit running from his reception of the BCS translation of the motion and all the statements, both new and old, for which admission is requested;⁵

¹ Hearing of 6 March 2008, Transcript in French (“T(F)”) 4650.

² Decision on the Prosecution's Consolidated Motion pursuant to Rules 89 (F), 92 *bis*, 92 *ter* and 92 *quater* of the Rules of Procedure and Evidence (“First Decision”), 7 January 2008, paras. 46-51.

³ First Decision, para. 52.

⁴ See in particular the hearing of 6 March 2008, T(F) 4645.

⁵ First Decision, paras. 53, 54.

CONSIDERING that the Chamber is not satisfied that Vilm Karlović's new statement, which the Prosecution disclosed to it on 6 March 2008,⁶ meets the criteria set out in the First Decision since it deals with fundamental issues raised in the Indictment on which the Chamber will be required to rule⁷ and on which, to date, no *viva voce* witness has been heard by the Chamber;

FOR THESE REASONS

IN ACCORDANCE with Rules 54 and 92 *ter* of the Rules;

DENIES the motion and **ORDERS** that Witness Vilm Karlović appear *viva voce*.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this tenth day of March 2008
At The Hague
The Netherlands

[Seal of the Tribunal]

⁶ Hearing of 6 March 2008, T(F) 4650.

⁷ See in particular the Statement of 5 March 2008, paras. 11, 15, 19, 35, 43-46, 51, 53, 58, 69-70, 86, 90, 95, 98-99, 108.