



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: 2 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: 2 September 2016

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

**DECISION ON DEFENCE MOTION TO ADMIT EVIDENCE IN
REJOINDER AND PROSECUTION REQUEST TO
WITHDRAW EXHIBITS**

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

- (i) the Defence Motion to Admit Evidence in Rejoinder, filed on 23 August 2016 (“Motion”), in which the Defence tenders four documents and proposes calling a witness in response to the admission of three exhibits tendered by the Prosecution in rebuttal;¹ and
- (ii) the Prosecution Request for Leave to Withdraw Exhibits P07848, P07849 and P07850, filed on 24 August 2016 (“Request”), in which the Prosecution seeks leave to withdraw three of the exhibits tendered in rebuttal;²

NOTING the Prosecution response to the Motion, filed on 2 September 2016, in which the Prosecution submits that the Motion should be dismissed as moot because it responds to the portions of the rebuttal case which are the subject of the Request;³

NOTING that the Prosecution seeks to withdraw the exhibits at issue in the Motion;

CONSIDERING that the relief requested in the Motion is sought exclusively in response to the admission of exhibits P7848, P7849 and P7850;

CONSIDERING that the granting of the Request would therefore deprive the Motion of its very basis, rendering it moot;

FOR THE FOREGOING REASONS

PURSUANT TO Rule 54 of the Tribunal’s Rules of Procedure and Evidence,

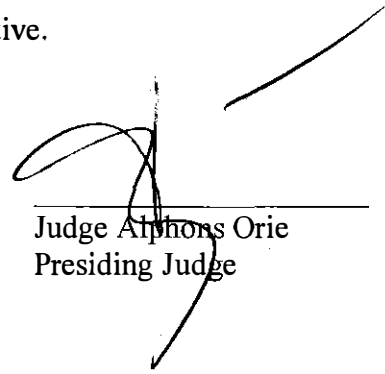
¹ Defence Motion to Admit Evidence in Rejoinder, 23 August 2016, paras 1, 5-11. *See also* Prosecution Motion to Admit Evidence in Rebuttal, 21 June 2016 (with Confidential Annex); Decision on Prosecution Motion to Admit Evidence in Rebuttal, 16 August 2016, admitting the documents bearing Rule 65 *ter* numbers 33645, 33646, and 02559s, which were later assigned exhibit numbers P7848, P7849, and P7850, respectively; and Corrigendum to Decision on Prosecution Motion to Admit Evidence in Rebuttal, 18 August 2016.

² Prosecution Request for Leave to Withdraw Exhibits P07848, P07849 and P07850, 24 August 2016.

³ Prosecution Response to Defence Motion to Admit Evidence in Rejoinder, 2 September 2016, para. 3.

HEREBY GRANTS the Request, **INSTRUCTS** the Registry to mark exhibits P7848, P7849, and P7850 as not admitted, and **DISMISSES** the Motion as moot.

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



Judge Alphons Orie
Presiding Judge

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

[Seal of the Tribunal]