



International Tribunal for the  
Prosecution of Persons  
Responsible for Serious Violations of  
International Humanitarian Law  
Committed in the Territory of  
Former Yugoslavia since 1991

Case No. IT-95-13/1-T  
Date: 9 February 2007  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Kevin Parker, Presiding  
Judge Christine Van Den Wyngaert  
Judge Krister Thelin

**Registrar:** Mr Hans Holthuis

**Decision:** 9 February 2007

**PROSECUTOR**

v.

**MILE MRKŠIĆ  
MIROSLAV RADIĆ  
VESELIN ŠLJIVANČANIN**

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**ORDER CLOSING PRESENTATION OF EVIDENCE**

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**The Office of the Prosecutor:**

Mr Marks Moore  
Mr Vincent Lunny  
Ms Meritxell Regue  
Mr Alexis Demirdjian

**Counsel for the Accused:**

Mr Miroslav Vasić and Mr Vladimir Domazet for Mile Mrkšić  
Mr Borivoje Borović and Ms Mira Tapušević for Miroslav Radić  
Mr Novak Lukić and Mr Momčilo Bulatović for Veselin Šljivančanin

**THIS TRIAL 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”),

**RECALLING** its “Decision on Prosecution’s Motion to Admit Evidence in Rebuttal” issued confidentially on 28 December 2006 granting a motion by the Office of the Prosecutor (“Prosecution”) to present evidence in rebuttal consisting of the *viva voce* evidence of one witness (“Rebuttal Witness”), an audio-recording and a transcript of this audio-recording, and ordering that the proposed Rebuttal Witness be called on 12 January 2007;

**RECALLING** that the Rebuttal Witness was not available to testify on that date and that additional time to secure the Rebuttal Witness’s presence in court was allowed;

**RECALLING** further its “Decision on Prosecution’s Motion to Substitute Rebuttal Witness” issued confidentially on 6 February 2007 denying a motion by the Prosecution seeking substitution of the Rebuttal Witness with another witness in case the former remains unavailable at close of business on 6 February 2007;

**CONSIDERING** that as of 9 February 2007 the Rebuttal Witness remains unavailable and that the admission into evidence of the remainder of the proposed rebuttal evidence is contingent upon this witness appearing before the Chamber;

**CONSIDERING** that the presentation of evidence for the defence concluded on 7 December 2006 and that a re-called Prosecution witness was heard on 8 December 2006;

**CONSIDERING** that pursuant to the Chamber’s oral order of 1 December 2006, the parties are to file their final trial briefs by noon on Friday, 16 February 2007 and closing arguments are to be heard on 28 February, 1 and 2 March 2007;<sup>1</sup>

**CONSIDERING** that in the present circumstances further delay of the proceedings will not serve the interests of justice;

For the foregoing reasons and pursuant to Rules 54, 85 and 86 of the Rules of Procedure and Evidence, the Chamber declares that the presentation of evidence is closed.

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<sup>1</sup> T 15720.

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



Judge Christine Van Den Wyngaert

Dated this ninth day of February 2007  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**