



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**

ORDER CLOSING PRESENTATION OF EVIDENCE

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;¹

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.

¹ 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]