



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: 6 December 2007  
Original: ENGLISH  
French

**IN TRIAL CHAMBER III**

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

**Registrar:** Mr Hans Holthuis

**Order of:** 6 December 2007

**THE PROSECUTOR**

v.

**Jadranko PRLIĆ  
Bruno STOJIĆ  
Slobodan PRALJAK  
Milivoj PETKOVIĆ  
Valentin ĆORIĆ  
Berislav PUŠIĆ**

***PUBLIC***

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**DECISION ON THE REQUEST OF THE ACCUSED PRLIĆ TO OBTAIN A  
B/C/S TRANSCRIPTION OF HIS STATEMENT**

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**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 oral request by the Accused Prlić presented at the hearings of 10 and 15 October 2007 (“Request”),<sup>1</sup> in which the Defence for the Accused Prlić (“Defence”) requested that the Chamber order the Office of the Prosecutor (“Prosecution”) to transcribe in B/C/S the statement he made to the Prosecution on 13 and 14 December 2001,

**CONSIDERING** that in support of its Request, the Defence refers to a decision rendered in the Perišić case on 27 September 2007, in which the pre-trial Judge granted a similar request,<sup>2</sup>

**CONSIDERING** that the Chamber recalls that before ruling on the Request it wished to wait for the Appeals Chamber decision on the admission of the statement by the Accused Prlić,

**CONSIDERING** that the Appeals Chamber decision of 23 November 2007<sup>3</sup> confirmed the decision of the Chamber to admit the statement of the Accused Prlić, the Chamber now deems it necessary to rule on the Request,

**CONSIDERING** that the Chamber, just as was done by the pre-trial Judge in the Perišić case,<sup>4</sup> would recall that Rule 43 (iv) (vi) of the Rules of Procedure and Evidence (“Rules”) provides that a copy of the recorded tape of the questioning of a subject, or if a multiple recording apparatus was used one of the original tapes, is to be supplied to the suspect and that the tape will be transcribed if the suspect becomes an accused.

**CONSIDERING** that this provision thus requires the Prosecution to provide not just a tape of the questioning but its transcription as well,

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<sup>1</sup> Transcript of hearing in French, pp. 23610-23612 and pp. 23615-23618.

<sup>2</sup> *The Prosecutor v. Momčilo Perišić*, Case No. IT-04-81-PT, *Decision Regarding Defence Request for B/C/S Transcript of the Accused’s Statement*, 27 September 2007 (“*Perišić Decision*”).

**CONSIDERING** that the Chamber notes in the present case that the Prlić Defence was provided with an English transcription,

**CONSIDERING** nevertheless that insofar as Rule 66 of the Rules relative to the disclosure of evidence by the Prosecution provides that the previous statements by an accused must be disclosed to the Defence in a language which the accused understands,

**CONSIDERING** that it is therefore necessary to provide a transcription of the Accused Prlić's statement in B/C/S,

**FOR THE FOREGOING REASONS,**

**PURSUANT TO** Rules 43 and 66 of the Rules,

**GRANTS** the request, **AND**

**ORDERS** the Prosecution to provide a B/C/S version of the transcription of the Accused Prlić's statement as soon as possible, and in any case before the end of the presentation of the Prosecution case.

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

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Jean-Claude Antonetti  
Presiding Judge

Done this sixth day of December 2007  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**

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<sup>3</sup> *The Prosecutor v. Prlić et al.*, IT-04-74-AR73.6, *Decision on Appeals Against Decision Admitting Transcript of Jadranko Prlić's Questioning into Evidence*, 23 November 2007.

<sup>4</sup> *Perišić* Decision, para. 4.