



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-03-69-T
Date: 2 July 2010
Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding
Judge Michèle Picard
Judge Elizabeth Gwaunza

Registrar: Mr John Hocking

Decision of: 2 July 2010

PROSECUTOR

v.

**JOVICA STANIŠIĆ
FRANKO SIMATOVIĆ**

PUBLIC

**ADDENDUM TO DECISION ON PROSECUTION MOTION
FOR ADMISSION OF EVIDENCE OF WITNESS B-179
PURSUANT TO RULE 92 *QUATER* OF 11 MARCH 2010**

Office of the Prosecutor

Mr Dermot Groome

Counsel for Jovica Stanišić

Mr Geert-Jan Alexander Knoops
Mr Wayne Jordash

Counsel for Franko Simatović

Mr Mihajlo Bakrač
Mr Vladimir Petrović

1. On 11 March 2010, the Chamber issued its “Decision on Prosecution Motion for Admission of Evidence of Witness B-179 Pursuant to Rule 92 *Quater*” (“Decision”). Subsequently, the Prosecution informally alerted the Chamber to the fact that three pages, bearing ERN 0326-9341, 0326-9342, and 0326-9344, had been tendered by the Prosecution but had not been decided upon in the Decision.¹ The Defence was informed by the Chamber about this informal communication and did not respond to or comment on it within the time limit of one week, as set by the Chamber. Following a review of the materials tendered and those admitted into evidence in the Decision, the Chamber finds that it has yet to decide on the admission of the mentioned three pages, which are part of the associated exhibits admitted during the course of Witness B-179’s evidence in the *Milošević* case (IT-02-54). In the Decision, the Chamber held that the associated exhibits form an inseparable and indispensable part of the witness’s evidence, without which the witness’s testimony would become incomprehensible.²

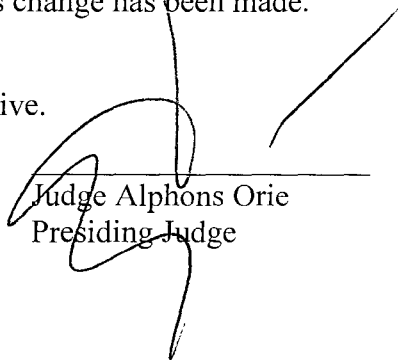
2. For the foregoing reasons, pursuant to Rule 89 of the Rules of Procedure and Evidence, the Chamber;

ADMITS into evidence, under seal, the pages with ERN 0326-9341, 0326-9342, and 0326-9344;

ORDERS the Prosecution to upload a version of exhibit P409, including these three pages as well as English translations thereof, into eCourt, within two weeks of the filing of this Addendum; and

INSTRUCTS the Registry to replace exhibit P409 in its current form with the version uploaded by the Prosecution and inform the parties and the Chamber once this change has been made.

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


Judge Alphons Orié
Presiding Judge

Dated this second day of July 2010
At The Hague
The Netherlands

[Seal of the Tribunal]

¹ The three pages are part of P539 tab 11 from the *Milošević* case, which consisted of seven pages in total and which the Prosecution tendered in the Prosecution’s Motion for Admission of Evidence of Witness B-179 Pursuant to Rule 92 *Quater* and Request Regarding Protective Measures for Witness B-179, 21 May 2007, Confidential Annex A, p. 10. The remaining four pages of P539 tab 11 from the *Milošević* case are part of P409, formerly 65 *ter* number 485, which the Chamber admitted in the Decision, para. 52. See also Internal Memorandum on the Assignment of Exhibit Numbers Pursuant to Written Decision dated 11 March 2010 and Corrigendum to the Decision dated 5 May 2010, 7 May 2010.

² Decision, para. 51.