



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-05-88/2-T

Date: 11 March 2010

Original: English

IN TRIAL CHAMBER II

Before: Judge Christoph Flügge, Presiding
Judge Antoine Kesia-Mbe Mindua
Judge Prisca Matimba Nyambe

Registrar: Mr. John Hocking

Order/Decision: 11 March 2010

PROSECUTOR

v.

ZDRAVKO TOLIMIR

PUBLIC

**DECISION ON MOTION FOR THE PROSECUTION TO ACT IN
ACCORDANCE WITH ITS OBLIGATIONS UNDER THE DECISION OF
25 NOVEMBER 2009**

Office of the Prosecutor

Mr. Peter McCloskey

The Accused

Zdravko Tolimir

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”);

BEING SEISED OF the “Request for the Chamber to Order the Prosecution to Act in Accordance with its Obligations Proceeding from the Chamber’s Decision of 25 November 2009” submitted by the Accused Zdravko Tolimir (“Accused”) on 8 February 2010 and filed in the English version on 9 February 2010 (“Motion”);

NOTING the “Decision on Prosecution’s Motion for Admission of Evidence Pursuant to Rule 92 *Quater*”, issued on 25 November 2009 (“Decision”)

NOTING that in the Motion the Accused stated that the Prosecution had done nothing to fulfil its obligations resulting from the Decision in regard to the testimony of Miroslav Deronjić and that this omission was considerably complicating the forthcoming proceedings and causing uncertainty with regard to the content of the list of exhibits;¹

NOTING that the Accused requested the Trial Chamber to order the Prosecution to fulfil its obligations proceeding from the Decision, in the shortest possible time, and no less than five days before the Prosecution begins its presentation of evidence;²

NOTING the “Response to the Accused’s Request for the Chamber to Order the Prosecution to Act in Accordance with its Obligations Proceeding from the Chamber’s Decision of 25 November 2009” filed on 23 February 2010 (“Response”);

NOTING that in the Response the Prosecution stated that it was aware of its obligations pursuant to the Decision and that although the Decision did not give a deadline it expected to be able to provide the required material by the start of trial;³

NOTING the “Prosecution Submission Pursuant to the Trial Chamber’s 25 November 2009 Decision” filed on 25 February 2010 (“Prosecution Submission”) whereby the Prosecution filed portions of transcripts which were used to impeach Miroslav Deronjić during the course of his testimony in *Prosecutor v. Blagović and Jokić* and were not read into the record *verbatim*;⁴

CONSIDERING that the Prosecution has acted in accordance with the Decision;

¹ Motion, para. 4.

² Motion, para. 6.

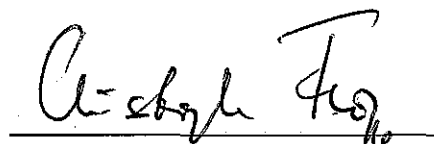
³ Response, para. 2.

⁴ Prosecution Submission, para. 2, Appendix A.

CONSIDERING that the Motion is now moot;

HEREBY DENIES the Motion.

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



Judge Christoph Flüge

Presiding Judge

Dated this eleventh day of March 2010
At The Hague
The Netherlands

[Seal of the Tribunal]