



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-05-87/1-T
Date: 11 November 2009
Original: English

IN TRIAL CHAMBER II

Before: Judge Kevin Parker, Presiding
Judge Christoph Flügge
Judge Melville Baird

Registrar: Mr John Hocking

Decision: 11 November 2009

PROSECUTOR

v.

VLASTIMIR ĐORĐEVIĆ

PUBLIC

**DECISION ON VLASTIMIR ĐORĐEVIĆ'S MOTION TO
ADMIT
DOCUMENTARY EVIDENCE PURSUANT TO RULE 92^{quater}**

The Office of the Prosecutor:

Mr Chester Stamp
Ms Daniela Kravetz

Counsel for the Accused:

Mr Dragoljub Đorđević
Mr Veljko Đurđić

THIS TRIAL CHAMBER (“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 SEIZED OF “Vlastimir Đorđević’s Motion to Admit Documentary Evidence pursuant to 92*quater*” filed by Counsel for Vlastimir Đorđević (“Defence”) on 5 November 2009 (“Motion”), whereby the Defence seeks the admission into evidence of a Supplemental Information Sheet of K87, dated 15 March 2007, taken in proofing K87 for his testimony in *Prosecutor v. Milutinović et al.*, Case No. IT-05-87 (“*Milutinović*”);¹

NOTING that the Office of the Prosecutor (“Prosecution”) has informed the Chamber and the Defence that it will not be filing an objection to the Motion;

RECALLING that the Chamber has found that K87 is unable to testify orally and has admitted his witness statement and testimony given in *Milutinović* pursuant to Rule 92*quater* of the Rules of Procedure and Evidence (“Rules”);²

NOTING that the document proposed for admission contains K87’s comments on his witness statement and on another document already an exhibit in the present proceedings and is, therefore, relevant to the present case;

NOTING further that the reliability of the document is not disputed by the Parties and the Supplemental Information Sheet possesses sufficient indicia of reliability to be admitted into evidence;

CONSIDERING that the Chamber has found that witness K87 is currently unavailable to testify and his evidence has been received under the provisions of Rule 92*quater*, and that the Supplemental Information Sheet is sufficiently relevant and reliable to justify its admission;

For the foregoing reasons and pursuant to Rules 89(C) and 92*quater* of the Rules, the Chamber

GRANTS the Motion and **DECIDES** to admit, under seal, the Supplemental Information Sheet of K87; and

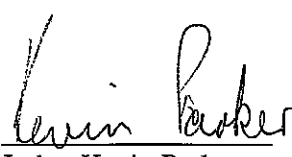
REQUESTS the Registry to assign an exhibit number to the admitted document.

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

¹ See Confidential Annex A to the Motion.

² As Exhibits P1414 ; P1415 ; P1416.

Dated this eleventh day of November 2009
At The Hague
The Netherlands



Judge Kevin Parker
Presiding

[Seal of the Tribunal]