



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-95-5/18-T

Date: 3 May 2011

Original: English

IN THE TRIAL CHAMBER

Before: Judge O-Gon Kwon, Presiding Judge
Judge Howard Morrison
Judge Melville Baird
Judge Flavia Lattanzi, Reserve Judge

Registrar: Mr. John Hocking

Decision of: 3 May 2011

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

DECISION ON ADMISSION OF WITNESS STATEMENT OF ANĐA GOTOVAC

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused

Mr. Radovan Karadžić

Standby Counsel

Mr. Richard Harvey

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”) is seized of the “Supplemental Submission: Second Motion for Admission of Supplemental Statement of Rule 92 *bis* Witness Andja Gotovac”, filed by the Accused on 19 April 2011, (“Submission”), and hereby issues its decision thereon.

1. On 5 March 2010, the Chamber ordered that the witness statement of Anđa Gotovac, together with the transcripts of her prior testimony in the *Dragomir Milošević* and the *Momčilo Perišić* cases, be admitted into evidence pursuant to Rule 92 *bis* of the Tribunal’s Rules of Procedure and Evidence (“Rules”).¹

2. On 7 December 2010, the Accused filed the “Motion for Admission of Supplemental Statement of Rule 92 *bis* Witness Andja Gotovac” requesting the admission, pursuant to Rule 92 *bis*, of a supplemental statement which was recorded during an interview conducted with Anđa Gotovac on 23 November 2010 by members of his defence team, at which a representative of the Office of the Prosecutor (“Prosecution”) was present.² Having heard from the Prosecution on the matter,³ the Chamber issued a decision on 11 January 2011 denying the Accused’s request, on the basis that it was not satisfied as to the probative value of the statement tendered, and considering that the basic requirements of Rule 89(C) had not been satisfied.⁴

3. On 1 March 2011, the Accused filed the “Second Motion for Admission of Supplemental Statement of Rule 92 *bis* Witness Andja Gotovac” (“Second Motion”) explaining that, following the Chamber’s findings in its 11 January Decision, his defence team re-contacted Anđa Gotovac on 21 February 2011, and that they interviewed her again in the presence of a representative of the Prosecution. He then requested the Chamber to admit the statement attached to the Second Motion as supplemental information to the witness’s testimony.⁵ The Prosecution did not oppose the request.⁶ On 3 March 2011, the Chamber issued an oral decision granting the

¹ Decision on Prosecution’s Motion for Admission of Statements and Transcripts of Evidence in lieu of *Viva Voce* Testimony Pursuant to Rule 92 *bis* – Sarajevo Siege Witnesses, 5 March 2010, paras. 56, 66, 77 (C) (iv)–(v).

² Motion for Admission of Supplemental Statement of Rule 92 *bis* Witness Andja Gotovac, 7 December 2010, paras. 1, 3 and Annex “A”.

³ Prosecution Response to ‘Motion for Admission of Supplemental Statement of Rule 92 *bis* Witness Andja Gotovac’, 21 December 2011, paras. 1–4.

⁴ See Decision on Motion for Admission of Supplemental Statement of Rule 92 *bis* Witness Andja Gotovac, 11 January 2011 (“11 January Decision”), para. 7.

⁵ Second Motion for Admission of Supplemental Statement of Rule 92 *bis* Witness Andja Gotovac, 1 March 2011, paras. 5–6.

⁶ See Prosecution’s Response to Accused’s Motion for Admission of Supplemental Statement of Rule 92 *bis* Witness Anđa Gotovac, 2 March 2011.

Accused's request, and admitting into evidence the supplemental statement, subject to the completion of the attestation procedure set out in Rule 92 *bis* (B) of the Rules.⁷

4. On 19 April 2011, the Accused filed his Submission requesting the Chamber to admit into evidence Anđa Gotovac's supplemental statement, on the basis that the attestation procedure in relation to the witness had been completed.⁸

5. The Chamber has outlined the requirements for Rule 92 *bis*(B) attestation in its 9 July 2010 "Decision on Prosecution Motion to Formally Admit the Certified Rule 92 *bis* Statements of Sarajevo Witnesses" and will not do so again here.⁹ Bearing those in mind, the Chamber has examined the attested statement of Anđa Gotovac to determine if it adheres to the formal requirements of Rule 92 *bis*(B). A Presiding Officer appointed by the Registrar of the Tribunal witnessed the attestation of the witness's statement. Anđa Gotovac declared that the contents of the statement are true and accurate to the best of her knowledge and belief, and was informed in a language which she understands that she might be subject to proceedings for giving false testimony. Anđa Gotovac is identified by her name, date of birth, and place of residence, and the attestation provides the date and place of declaration. Therefore, the Chamber is satisfied that the attestation procedure for the above statement fulfils the formal requirements of Rule 92 *bis*(B) for its full admission into evidence.

6. Accordingly, the Chamber, pursuant to Rules 89 and 92 *bis* of the Rules, hereby **ADMITS** into evidence the document with Rule 65 *ter* number 1D03483 and **REQUESTS** the Registry to assign it an exhibit number.

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



Judge O-Gon Kwon
Presiding

Dated this third day of May 2011
At The Hague
The Netherlands

[Seal of the Tribunal]

⁷ See T. 12908–12909 (3 March 2011).

⁸ Submission, paras. 2–3. The Accused adds that the supplemental statement has been uploaded into eCourt as document with 65*ter* number 1D03483; Submission, para. 2.

⁹ Decision on Prosecution Motion to Formally Admit the Certified Rule 92 *bis* Statements of Sarajevo Witnesses, 9 July 2010, paras. 4–5.