



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: 23 June 2009  
Original: English

**IN TRIAL CHAMBER II**

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

**Registrar:** Mr. John Hocking

**Order of:** 23 June 2009

**PROSECUTOR**

v.

**VLASTIMIR ĐORĐEVIĆ**

***PUBLIC***

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**DECISION ON PROSECUTION MOTION FOR TESTIMONY  
TO BE HEARD VIA VIDEO-CONFERENCE LINK**

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**The Office of the Prosecutor:**

Mr. Chester Stamp  
Ms. Daniela Kravetz  
Mr. Matthias Neuner

**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** the “Prosecution Motion for Testimony to be Heard Via Video-conference Link with Confidential Annexes A-C”, filed on 5 June 2009 (“Motion”), whereby the Prosecution requests that the Chamber allows witnesses Sabri Popaj, K58 and K74 (“witnesses”) to give their testimony by video-conference link from the United Nation Mission in Kosovo (“UNMIK”) Administrative Headquarters in Priština, Kosovo, in the week of 13-17 July 2009;

**NOTING** “Vlastimir Đorđević’s Response to Prosecution’s Motion for Testimony to be Heard Via Video-conference Link with Confidential Annexes A-C”, filed on 19 June 2009 (“Response”) whereby the Defence did not raise any objections to the witnesses giving their testimony by video-conference link;

**NOTING** that, Rule 81*bis* of the Tribunal’s Rules of Procedure and Evidence (“Rules”) provides that “[a]t the request of a party or *proprio motu*, a Judge or a Chamber may order, if consistent with the interest of justice, that proceedings be conducted by way of video-conference link”;

**NOTING** the decision of 25 June 1996 in the *Tadić* case setting out guidelines for the giving of evidence by video-conference link;<sup>1</sup>

**CONSIDERING** the Prosecution’s submissions in support of its allegations that the witnesses are unable to travel to the seat of the Tribunal to testify;

**CONSIDERING** that the anticipated evidence of the witnesses is relevant to important allegations in the present Indictment;

**CONSIDERING** that the giving of evidence of a witness via video-conference link provides the Defence with the full opportunity for cross-examination without unduly prejudicing the rights of the Accused to confront and cross-examine witnesses;<sup>2</sup> allows the Chamber to observe the demeanour of the witness during the giving of evidence; and that the probative value of evidence, including the credibility of a witness, is to be assessed and evaluated by the Chamber as a whole;

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<sup>1</sup> *Prosecutor v Duško Tadić*, Case IT-94-1-T, “Decision on the Defence Motions to Summon and Protect Defence Witnesses, and on the Giving of Evidence by Video-link”, 25 June 1996, (“*Tadić* Decision”).

<sup>2</sup> *Prosecutor v Zejnir Delalić, Zdravko Mucić, Hazim Delić and Esad Landžo*, Case, IT-96-21-T, “Decision on the Motion to Allow Witnesses K, L and M to Give Their Testimony by Means of Video-link Conference”, 28 May 1997.

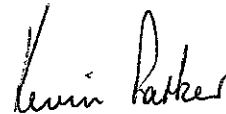
**CONSIDERING** that in view of the requirements reflected in the *Tadić* decision with regard to the giving of testimony by video-conference link<sup>3</sup> and the witnesses' inability to travel to the seat of the Tribunal, the Chamber is satisfied that the giving of evidence by video-conference link, in the present circumstances, is in the interest of justice;

**PURSUANT TO** Rules 81*bis* of the Rules,

**GRANTS** the Motion and **ORDERS** that the evidence of witnesses Sabri Popaj, K58 and K74 will be received by video-conference link from the UNMIK Administrative Headquarters in Priština, Kosovo, on a date to be specified, in accordance with the guidelines for conducting video-conference link testimony, as set forth in the aforementioned *Tadić* decision.

**DIRECTS** the Registry to take all reasonable steps in order to set up the video-conference link to ensure that the guidelines of the *Tadić* decision are preserved.

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



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Judge Kevin Parker  
Presiding

Dated this twenty-third day of June 2009  
At The Hague  
The Netherlands

[Seal of the Tribunal]

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<sup>3</sup>*Prosecutor v Duško Tadić*, Case IT-94-1-T, "Decision on the Defence Motions to Summon and Protect Defence Witnesses, and on the Giving of Evidence by Video-link", 25 June 1996, ("*Tadić* Decision").