



International Tribunal for the Prosecution of
Persons Responsible for Serious Violations of
International Humanitarian Law Committed in
the Territory of Former Yugoslavia since 1991

Case No. IT-04-81-T
Date: 20 January 2010
Original: English

IN TRIAL CHAMBER I

Before: Judge Bakone Justice Moloto, Presiding
Judge Pedro David
Judge Michèle Picard

Registrar: Mr. John Hocking

Decision of: 20 January 2010

PROSECUTOR

v.

MOMČILO PERIŠIĆ

PUBLIC

**DECISION ON PROSECUTION MOTION TO RE-CALL
WITNESS RANDALL**

The Office of the Prosecutor

Mr. Mark Harmon
Mr. Daniel Saxon

Counsel for the Accused

Mr. Novak Lukić
Mr. Gregor Guy-Smith

TRIAL CHAMBER I (“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 “Prosecution Motion to Re-call Witness Randall” filed publicly on 11 January 2010 (“Motion”), whereby the Prosecution seeks leave to re-call Witness Randall to testify as to the origin of Exhibit P600;

NOTING the “Response to Prosecution Motion to Re-call Witness Randall” filed publicly by the Defence on 18 January 2010, whereby the Defence does not oppose the Motion;

NOTING the Prosecution’s submission that it unsuccessfully sought stipulation from the Defence that P600 was taken by OTP investigators at the Orahovac execution site;

NOTING that Witness Randall testified before the Trial Chamber during the period of 9-18 March 2009;

CONSIDERING that the re-call of a witness should be exceptional as it unnecessarily inconveniences and financially burdens the Tribunal;¹

CONSIDERING, however, the limited scope of the expected testimony of Witness Randall and his availability to give testimony on short notice;

CONSIDERING that hearing the testimony of Witness Randall will best favour a fair determination of the matter before it;

PURSUANT TO Rules 54, 85 and 89 of the Rules of Procedure and Evidence,

GRANTS the Motion; and

LIMITS the examination of Witness Randall to the issue of the origin of Exhibit P600.

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



Judge Bakone Justice Moloto
Presiding Judge

Dated this twentieth day of January 2010

At The Hague

The Netherlands

[Seal of the Tribunal]

¹ See *Prosecution v. Naser Orić*, Case No. IT-03-68-T, Decision on Defence Motion to Recall a Witness, 30 November 2004, p. 3.