



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: 29 October 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: 29 October 2010

PROSECUTOR

v.

MOMČILO PERIŠIĆ

PUBLIC

**DECISION ON MR. PERIŠIĆ'S MOTION FOR THE
ADMISSION OF EVIDENCE PURSUANT TO RULE
92 BIS**

The Office of the Prosecutor

Mr. Mark Harmon

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;

BEING SEISED of “Mr. Perišić’s Motion for the Admission of Evidence Pursuant to Rule 92 *bis*” publicly filed on 12 October 2010 (“Motion”), in which the Defence seeks the admission into evidence of the written statement of Dane Ajduković (“Proposed Statement”) pursuant to Rule 92 *bis* of the Rules of Procedure and Evidence (“Rules”);

NOTING that the Defence submits that the Proposed Statement is relevant and of probative value as it furnishes evidence as to the financial and budgetary matters within the scope of authorities of the Ministry of Defence of the Federal Republic of Yugoslavia;¹

NOTING that the Defence further submits that the Proposed Statement does not go to proof of the acts and conduct of the Accused as charged in the Indictment and is corroborative and cumulative of evidence already before the Trial Chamber;²

NOTING that the Prosecution does not oppose the Motion;³

NOTING the requirements for admission of evidence under Rule 92 *bis* as set out in a previous decision by this Trial Chamber;⁴

CONSIDERING that the Proposed Statement does not go to proof of the acts and conduct of the Accused as charged in the Indictment;

CONSIDERING that the Proposed Statement is relevant, of probative value, at least partly corroborated by other evidence in this trial,⁵ and that there are no factors militating against its admission;

CONSIDERING that the Proposed Statement is duly certified and fulfils the requirements of Rule 92 *bis* (B) of the Rules;

FOR THE FOREGOING REASONS

PURSUANT TO Rules 89 and 92 *bis* of the Rules,

¹ Motion, paras 1, 9.

² Motion, para. 10.

³ Prosecution’s informal communication to the Chamber’s legal officer of 22 October 2010.

⁴ See Decision on Prosecution Motion for Admission of Evidence pursuant to Rule 92 *bis*, 2 October 2008, para. 10.

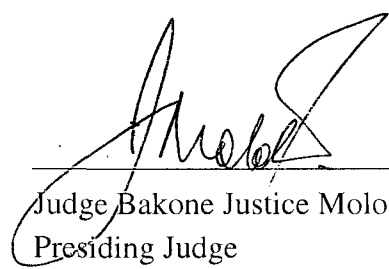
⁵ See e.g. Miodrag Starčević, T. 5433-5434, 6863-6864; Borivoje Jovanić, T. 11399, 11479-11480.

THE CHAMBER HEREBY:

GRANTS the Motion and **ADMITS** into evidence the Proposed Statement as attached to the Motion as Annex A;

REQUESTS the Registry to assign an exhibit number to the Proposed Statement admitted into evidence.

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



Judge Bakone Justice Moloto
Presiding Judge

Dated this twenty-ninth day of October 2010
At The Hague
The Netherlands

[Seal of the Tribunal]