

UNITED
NATIONS

IT-04-81-T
D27386-D27384
11 FEBRUARY 2011

27386

27



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: 11 February 2011

Original: English

IN TRIAL CHAMBER I

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

Registrar: Mr. John Hocking

Decision of: 11 February 2011

PROSECUTOR

v.

MOMČILO PERIŠIĆ

PUBLIC

**DECISION TO ADMIT INTO EVIDENCE
DOCUMENT ID 0469-3121 ET - 0469-3128 ET**

The Office of the Prosecutor

Mr. Mark Harmon

Counsel for the Accused

Mr. Novak Lukić
Mr. Gregor Guy-Smith

11 February 2011

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;

NOTING that on 8 February 2011, during oral proceedings, the Trial Chamber raised with the parties the issue of the admission into evidence of e-court document ID 0469-3121 ET – 0469-3128 ET;¹

CONSIDERING that the aforementioned document was admitted as Exhibit 303 in the Case No. IT-95-11-T, *Prosecutor v. Milan Martić* and is a report which contains a list of victims from the Zagreb shelling incident;²

NOTING that the admission of the proposed exhibit was not opposed by either party;³

CONSIDERING the Defence’s observation during oral proceedings that the number of victims contained in the proposed exhibit is not identical to the number of victims alleged in the Indictment;⁴

NOTING that any difference between the numbers of victims may very well be due to the status accorded to the victims in the Indictment;

FINDING that the proposed exhibit is relevant to and probative of the number and status of victims that may have been involved in the Zagreb shelling incident;

PURSUANT to Rule 89(c) of the Rules of Procedure and Evidence;

ADMITS into evidence *proprio motu* e-court document ID 0469-3121 ET – 0469-3128 ET;

INSTRUCTS the Registrar to assign an exhibit number to the document admitted into evidence and to upload the corresponding B/C/S version into e-court.

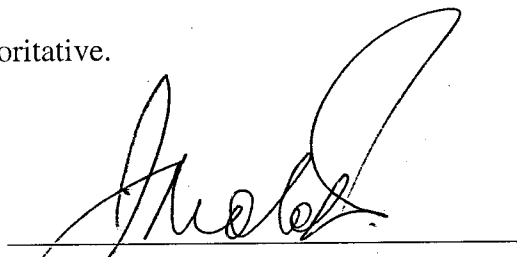
¹ Hearing of 8 February 2011, T. 14607.

² Hearing of 8 February 2011, T. 14607.

³ Hearing of 8 February 2011, T. 14607-14608.

⁴ Hearing of 8 February 2011, T. 14608. *See* Indictment, Schedule C.

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



Judge Bakone Justice Moloto
Presiding Judge

Dated this eleventh day of February 2011

At The Hague

The Netherlands

[Seal of the Tribunal]