

**UNITED  
NATIONS**



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: 18 February 2011  
Original: English

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**IN TRIAL CHAMBER I**

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

**Registrar:** Mr. John Hocking

**Decision of:** 18 February 2011

**PROSECUTOR**

v.

**MOMČILO PERIŠIĆ**

***PUBLIC***

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**DECISION ON DEFENCE SUBMISSION REGARDING  
D170, P191 AND P1196**

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**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 (“Tribunal”) is seised of “Mr. Perišić’s Submission Regarding Defence Exhibit D170 and Prosecution Exhibits P191 and P1196” (“Submission”), filed publicly on 10 February 2011, and hereby renders its Decision.

## **I. SUBMISSIONS AND DISCUSSION**

1. At the outset, the Trial Chamber recalls that pursuant to Rule 89(c) of the Rules of Procedure and Evidence (“Rules”) a Chamber may “admit any relevant evidence which it deems to have probative value.”<sup>1</sup>

### **A. D170**

2. In the Submission, the Defence requests the admission into evidence of Articles 1-25, 36-56, 58-75, 106-108, 111-116, 153-183, 222-226, 240, 271, 276, 281-289 and 320-331 of the Law on the SVK as part of D170.<sup>2</sup> The Defence seeks leave to attach a combined translation of said articles of the Law on the SVK (Doc ID 1D21-0183) to Exhibit D170.<sup>3</sup> The Defence submits that the Prosecution does not object to this action.<sup>4</sup> The Trial Chamber is satisfied that the articles sought to be admitted are relevant and of probative value and therefore admits them into evidence. The Trial Chamber also authorises the attachment of the combined translation (Doc ID 1D21-0183) to Exhibit D170.

### **B. P1196**

3. The Defence requests the admission into evidence of Article 34 of the Law on Defence of the SAO Krajina as part of P1196. The Defence also seeks leave to attach the official translation of Article 34 (DOC ID 1D21-0220) to P1196.<sup>5</sup> The Defence states that the Prosecution has no objection to this action.<sup>6</sup> The Trial Chamber is satisfied that Article 34 of the Law on Defence of the SAO Krajina is relevant and of probative value, and therefore admits it into evidence. The Trial Chamber also authorises the attachment of its official translation to P1196.

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<sup>1</sup> Rule 89(c).

<sup>2</sup> Submission, paras 3, 6.

<sup>3</sup> *Ibid.*

<sup>4</sup> Submission, para. 3, fn 2 referring to an E-mail Correspondence of 8 February 2011, 18:49

<sup>5</sup> Submission, paras 4, 6.

<sup>6</sup> Submission, para. 4.

**C. P191**

4. Finally, the Defence requests leave to attach the revised CLSS English translation of Article 4 of the Law on the VRS to P191.<sup>7</sup> The Defence, upon agreement with the Prosecution, has uploaded the revised translation to e-court as DOC ID 1D21-0221.<sup>8</sup> The Trial Chamber allows the attachment of the revised translation to P191.

**II. DISPOSITION**

**PURSUANT TO** Rules 54 and 89 of the Rules, the Trial Chamber:

**ADMITS** Articles 1-25, 36-56, 58-75, 106-108, 111-116, 153-183, 222-226, 240, 271, 276, 281-289 and 320-331 of the Law on the SVK as part of D170 and authorises the attachment of Doc ID 1D21-0183 to D170 ;

**ADMITS** Article 34 of the Law on Defence of the SAO Krajina as part of P1196 and authorises the attachment Doc ID 1D21-0220 to P1196;

**AUTHORISES** the attachment of Doc ID 1D21-0221 to P191; and

**INSTRUCTS** the Registry to regulate D170, P1196 and P191 in accordance with this Decision.

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




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Judge Bakone Justice Moloto  
Presiding Judge

Dated this eighteenth day of February 2011

At The Hague

The Netherlands

**[Seal of the Tribunal]**

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<sup>7</sup> Submission, para. 5.

<sup>8</sup> Submission, para. 5.