



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-02-54-T
Date: 1 August 2002
Original: English

IN THE TRIAL CHAMBER

Before: Judge Richard May, Presiding
Judge Patrick Robinson
Judge O-Gon Kwon

Registrar: Mr. Hans Holthuis

Decision of: 1 August 2002

PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

**DECISION ON PROSECUTION APPLICATION TO ADMIT EVIDENCE PURSUANT TO
RULE 92bis WITHOUT CROSS-EXAMINATION**

The Office of the Prosecutor

Mr. Geoffrey Nice
Mr. Dirk Ryneveld

The Accused

Slobodan Milošević

Amicus Curiae

Mr. Steven Kay
Mr. Branislav Tapušković
Mr. Michail Wladimiroff

THIS 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 (“the International Tribunal”),

BEING SEISED of an oral application by the Office of the Prosecutor (“Prosecution”) seeking admission of the written statements of 11 witnesses, as set out in a schedule provided to the Trial Chamber on 25 June 2002, without cross-examination under the provisions of Rule 92 *bis* of the Rules of Evidence and Procedure of the International Tribunal (“Rules”) (“the Application”),

NOTING the observations of the *amici curiae* filed on 8 July 2002,

NOTING also the continuing objections of the accused to the introduction of testimony without cross-examination,

NOTING that three of the witnesses have already testified before the Trial Chamber,

CONSIDERING the requirements of Rule 92 *bis* and the conditions for its application as set out in the Decision of the Trial Chamber of 21 March 2002,

CONSIDERING that the evidence of three of the witnesses, Martin Pnishi, Beqe Beqai and Ali Vishni, goes to proof of matters “other than the acts and conduct of the accused” and is cumulative of evidence concerning events and municipalities already before the Trial Chamber, and is therefore suitable for admission under Rule 92 *bis*,

CONSIDERING that the evidence of K17, Sofije Imeraj, Fetije Imeraj and Gani Bacaj relates to events not yet covered by the evidence before the Trial Chamber,

CONSIDERING also that the evidence of Sadik Xhemalij is expected to address matters beyond simple corroboration of evidence already before the Trial Chamber,

HEREBY ORDERS as follows :

- (1) the written statements of Martin Pnishi, Beqe Beqai and Ali Vishni shall be admitted pursuant to Rule 92 *bis*, and the witnesses shall be required to attend for cross-examination;

- (2) the written statement of Sadik Xhemalij shall not be admitted pursuant to Rule 92 *bis*, and the witness shall be called to testify in person; and
- (3) the Trial Chamber shall remain seised of the application in relation to K17, Sofije Imeraj, Fetije Imeraj and Gani Bacaj.

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


Richard May
Presiding

Dated this first day of August 2002
At The Hague
The Netherlands

[Seal of the Tribunal]