



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: 23 January 2004  
Original: English

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**IN THE TRIAL CHAMBER**

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

**Registrar:** Mr. Hans Holthuis

**Decision of:** 23 January 2004

**PROSECUTOR**

v.

**SLOBODAN MILOŠEVIĆ**

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**ORDER ON PROSECUTION MOTION FOR THE ADMISSION OF TRANSCRIPTS  
PURSUANT TO RULE 92bis(D) and THE STATEMENT OF WITNESS B-1804  
PURSUANT TO RULE 89(F)**

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**The Office of the Prosecutor**

Ms. Carla Del Ponte  
Mr. Geoffrey Nice  
Mr. Dermot Groome

**The Accused**

Slobodan Milošević

**Amici Curiae**

Mr. Steven Kay, QC  
Mr. Branislav Tapušковиć  
Prof. Timothy L.H. McCormack

Case No. IT-02-54-T

23 January 2004

**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 a “Prosecution Motion for the Admission of Transcripts Pursuant to Rule 92*bis*(D) and the Statement of Witness B-1804 Pursuant to Rule 89(F)”, seeking:

- (a) The admission into evidence of the transcript evidence of witness B-1804 (“the witness”), who previously testified in the *Blagovević* case, pursuant to Rule 92 *bis* (D) of the Rules of Procedure and Evidence of the International Tribunal (“Rules”) and subject to limited cross-examination; and
- (b) The admission under Rule 89(F) of the statement of the witness dated 21 January 2004, which covers material that is said to go beyond the content of the transcript submitted pursuant to Rule 92 *bis*(D),

**NOTING** that the statement of the witness it is proposed should be admitted under Rule 89(F) was only served on the Accused in his language on 22 January 2004,

**NOTING FURTHER** that the transcript of the witness and related exhibits it is proposed should be admitted under Rule 92 *bis*(D), was only served on the Accused on 16 January 2004 and was only provided to the Trial Chamber today,

**CONSIDERING** that the Accused should have sufficient time in which to prepare for the testimony of this witness,

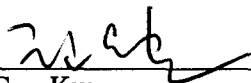
**PURSUANT TO** Rules 54, 89(F) and 92 *bis*(D) of the Rules

**PURSUANT TO** Rules 89 (F) of the Rules,

**HEREBY ORDERS AS FOLLOWS:**

- (1) The witness may not be called to testify before 4 February 2004, being 14 days from the date upon which the statement was disclosed to the Accused in his own language;
- (2) The statement of the witness attached as Annex A to the Motion may be admitted pursuant to Rule 89 (F);

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

  
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O-Gon Kwon  
Judge

Dated this twenty-third day of January 2004  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**