

IT-02-54-T  
D 28581 - D 28580  
27 JANUARY 2004

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**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-02-54-T  
Date: 27 January 2004  
Original: ENGLISH

**IN THE TRIAL CHAMBER**

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

**Registrar:** Mr. Hans Holthuis

**Decision:** 27 January 2004

**PROSECUTOR**

v.

**SLOBODAN MILOŠEVIĆ**

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**DECISION ON PROSECUTION MOTION FOR ADMISSION OF  
TRANSCRIPT PURSUANT TO RULE 92BIS(D) FOR WITNESS B-1132**

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**Office of the Prosecutor:**

Mr. Geoffrey Nice  
Ms. Hildegard Uertz-Retzlaff  
Mr. Dermot Groome

**Amici Curiae:**

Mr. Steven Kay  
Mr. Branislav Tapušković  
Prof. Timothy McCormack

**The Accused:**

Mr. Slobodan Milošević

**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 (“International Tribunal”),

**BEING SEISED** of a confidential “Prosecution Motion for the Admission of Transcripts Pursuant to Rule 92bis(D) in Relation to Events in Prijedor”, filed by the Office of the Prosecutor (“Prosecution”) on 12 December 2003 (“Motion”), requesting, *inter alia*, that the Trial Chamber, pursuant to Rule 92bis(D) of the Rules of Procedure and Evidence of the International Tribunal (“Rules”), admit into evidence the transcript and related exhibits of Witness B-1132 without requiring the witness to appear for cross-examination,

**NOTING** the confidential “Prosecution’s Corrigendum to ‘Prosecution’s Motion for the Admission of Transcripts Pursuant to Rule 92 BIS (D) in Relation to Events in Prijedor’”, filed by the Prosecution on 22 January 2004 (“Corrigendum”),


**CONSIDERING** that (1) there are significant deficiencies in the supporting materials provided by the Prosecution to the Trial Chamber, *Amici Curiae*, and the Accused, which the Prosecution seeks as part of the Motion to have admitted into evidence; (2) these deficiencies have not been cured by the Corrigendum; and (3) the Trial Chamber is unable to assess the relevance and probity of the supporting materials,

**CONSIDERING** therefore that the Trial Chamber is unable to determine the merit of the Motion,

**PURSUANT** to Rules 54 and 92bis(D) and (E) of the Rules,

**HEREBY DENIES** the Motion.

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

  
Richard May  
Presiding

Dated this 27th day of January 2004  
At The Hague  
The Netherlands

[Seal of the Tribunal]