



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-98-29/1-T
Date: 12 January 2007
Original: English

IN TRIAL CHAMBER III

Before: Judge Patrick Robinson, Presiding
Judge Antoine Kesia-Mbe Mindua
Judge Frederik Harhoff

Registrar: Mr. Hans Holthuis

Decision of: 12 January 2007

PROSECUTOR

v.

DRAGOMIR MILOŠEVIĆ

**DECISION ON PROSECUTION MOTION FOR
ADMISSION OF WITNESS TRANSCRIPTS PURSUANT
TO RULE 92ter OF THE RULES OF PROCEDURE AND
EVIDENCE**

The Office of the Prosecutor:

Mr. Alex Whiting
Mr. Stefan Waespi
Ms. Carolyn Edgerton
Mr. John Docherty

Counsel for the Accused:

Mr. Branislav Tapušković
Ms. Branislava Isailović

TRIAL CHAMBER III (“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”);

BEING SEIZED of the “Prosecution Motion for Admission of Witness Transcripts Pursuant to Rule 92 *ter* of the Rules of Procedure and Evidence, with Annex A”, filed on 9 January 2007 (“Motion”), in which the Prosecution requests the Trial Chamber to admit into evidence the transcripts of evidence given by witness David Harland in the case *Prosecutor v. Slobodan Milošević*;¹

NOTING that the pages of transcripts which the Prosecution seeks to have admitted are listed in Annex A to the Motion;

NOTING that the Defence have indicated that they do not object to the admission into evidence of the transcripts;

NOTING Rule 92 *ter* of the Rules of Procedure and Evidence (“Rules”), pursuant to which a Trial Chamber may admit the evidence of a witness in the form of a written statement or transcript of evidence given by a witness if the witness is present in court, available for cross-examination and any questioning by the Judges and if the witness attests that the transcript accurately reflects the witness’ declaration and what the witness would say if examined;

CONSIDERING that the testimony of David Harland in the present case is scheduled to commence on 15 January 2007, at which time the requirements of Rule 92 *ter* can be fully met;

FOR THE FOREGOING REASONS,

PURSUANT TO Rule 92 *ter* of the Rules,

HEREBY GRANTS the Motion,

ORDERS that the transcripts of evidence given by witness David Harland in the case *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54, as specified in Annex A to the Motion, be admitted into evidence subject to the witness:

- 1) appearing in court
- 2) being available for cross-examination and questioning by the Judges, and

¹ *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54

3) attesting that the transcript accurately reflects his declaration and what he would say if examined,

ORDERS the Prosecution to provide the Registrar with an electronic version of the transcript pages listed in Annex A, and

Requests the Registrar to assign an exhibit number to the transcripts as soon as these requirements are met.

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



Judge Patrick Robinson
Presiding

Dated this twelfth day of January 2007

At The Hague

The Netherlands

[Seal of the Tribunal]