



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-98-32/1-T  
Date: 23 July 2008  
Original: English

**IN TRIAL CHAMBER III**

**Before:** Judge Patrick Robinson, Presiding  
Judge Christine van den Wyngaert  
Judge Pedro David

**Registrar:** Mr. Hans Holthuis

**Decision of:** 23 July 2008

**PROSECUTOR**

**v.**

**MILAN LUKIĆ  
AND  
SREDOJE LUKIĆ**

***PUBLIC***

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**DECISION ON PROSECUTION'S MOTION FOR  
ADMISSION OF EVIDENCE OF WITNESSES  
PURSUANT TO RULES 89 AND 92 *QUATER* WITH  
CONFIDENTIAL ANNEXES A, B AND C**

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**The Office of the Prosecutor**

Mr. Dermot Groome  
Mr. Frédéric Ossogo  
Ms. Laurie Sartorio  
Mr. Stevan Cole  
Ms. Francesca Mazzocco

**Counsel for the Accused**

Mr. Jason Alarid for Milan Lukić  
Mr. Đuro Čepić and Mr. Jens Dieckmann for Sredoje Lukić

**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 SEISED** of the “Prosecution’s Motion for Admission of Evidence of Witnesses Pursuant to Rules 89 and 92 *quater* with Confidential Annexes A, B and C”, filed confidentially on 28 March 2008 (“Motion”), wherein the Prosecution requests that the testimony of the deceased Witness VG-087 be received under Rule 92 *quater* of the Rules of Procedure and Evidence (“Rules”) instead of Rule 92 *ter*;<sup>1</sup>

**NOTING** that in the Decision of 19 June 2008, the Pre-Trial Judge, in accordance with Rule 65 *ter*(N) of the Rules, reported the matter of admission of the testimony of a group of proposed witnesses including Witness VG-087 to the Trial Chamber for determination as to whether or not this evidence should be excluded on the ground of unjustified delay in disclosure;<sup>2</sup>

**CONSIDERING** that the Trial Chamber in its Decision of 8 July 2008 did not permit the inclusion of Witness VG-087 on the Prosecution witness list;<sup>3</sup>

**HEREBY DISMISSES THE MOTION** as moot.

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



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Judge Patrick Robinson  
Presiding

Dated this twenty-third day of July 2008  
At The Hague  
The Netherlands

[Seal of the Tribunal]

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<sup>1</sup> Motion, para. 29. On 15 February 2008, the Prosecution filed its “Confidential Prosecution’s motion for Admission of Prior Testimony with Associated Exhibits and Written Statements of Witnesses Pursuant to Rule 92 *ter*”. In this motion, the Prosecution requested an order permitting it to call witness VG-087 as a 92 *ter* witness.

<sup>2</sup> Further Decision on Prosecution’s Motion to Amend Rule 65 *ter* Witness List and Related Submissions, 19 June 2008.

<sup>3</sup> Decision in Relation to Prosecution Proposed Witnesses, 8 July 2008.