



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-05-87/1-T
Date: 24 July 2009
Original: English

IN TRIAL CHAMBER II

Before: Judge Kevin Parker, Presiding
Judge Christoph Flügge
Judge Melville Baird

Registrar: Mr John Hocking

Decision: 24 July 2009

PROSECUTOR

v.

VLASTIMIR ĐORĐEVIĆ

PUBLIC

**DECISION ON VLASTIMIR ĐORĐEVIĆ'S MOTION FOR
JUDICIAL NOTICE PURSUANT TO RULE 94(B)**

The Office of the Prosecutor:

Mr Chester Stamp
Ms Daniela Kravetz

Counsel for the Accused:

Mr Dragoljub Đorđević
Mr Veljko Đurđić

THIS TRIAL CHAMBER (“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 “Vlastimir Đorđević’s Motion Requesting Judicial Notice pursuant to ICTY Rule 94(B)” filed by counsel for Vlastimir Đorđević on 16 July 2009 (“Motion”) requesting that the Chamber take judicial notice of a “Prosecution Report on Physical Evidence of Bomb Fragments with Annex A” submitted by the Office of the Prosecution (“Prosecution”) in the *Milutinović et al* trial proceedings (“*Milutinović Report*”);

NOTING the “Prosecution’s Response to Vlastimir Đorđević’s Motion Requesting Judicial Notice Pursuant to ICTY Rule 94(B)” filed by the Prosecution on 21 July 2009 whereby the Prosecution confirms that the information contained in the *Milutinović Report* is true and accurate and does not oppose to the content of the Report being used in the present case;

CONSIDERING that pursuant to Rule 94(B) of the Rules of Procedure and Evidence (“Rules”) the Chamber may decide to take judicial notice of documentary evidence from other proceedings of the Tribunal relating to matters at issue in the current proceedings;

CONSIDERING further that pursuant to Rule 89(C) of the Rules the Chamber may admit any relevant evidence which it deems to have probative value;

CONSIDERING that the *Milutinović Report* relates to issues raised during the testimony of Prosecution witness Sabri Popaj and is relevant to allegations in the present Indictment,

CONSIDERING that there are sufficient indicia of reliability for the *Milutinović Report* to be admitted in evidence in the present case;

For the foregoing reasons and pursuant to Rules 89(C) and 94(B) of the Rules the Chamber

- (i) **GRANTS** the Motion and **ORDERS** that the *Milutinović Report* shall be admitted in evidence; and
- (ii) **REQUESTS** the Registry to assign exhibit number to the admitted document.

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

Dated this twenty-fourth day of July 2009
At The Hague
The Netherlands



Judge Kevin Parker
Presiding

[Seal of the Tribunal]