



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-05-88-T  
Date: 30 July 2009  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Carmel Agius, Presiding  
Judge O-Gon Kwon  
Judge Kimberly Prost  
Judge Ole Bjørn Støle – Reserve Judge

**Registrar:** Mr. John Hocking

**Decision of:** 30 July 2009

**PROSECUTOR**

v.

**VUJADIN POPOVIĆ  
LJUBIŠA BEARA  
DRAGO NIKOLIĆ  
LJUBOMIR BOROVIČANIN  
RADIVOJE MILETIĆ  
MILAN GVERO  
VINKO PANDUREVIĆ**

**PUBLIC**

**DECISION ON POPOVIĆ'S NOTICE OF DISCLOSURE OF THE  
STATEMENTS OF PROFESSORS DUNJIĆ AND STOJKOVIĆ**

**Office of the Prosecutor**

Mr. Peter McCloskey

**Counsel for the Accused**

Mr. Zoran Živanović and Ms. Mira Tapušковиć for Vujadin Popović  
Mr. John Ostojić and Mr. Predrag Nikolić for Ljubiša Beara  
Ms. Jelena Nikolić and Mr. Stéphane Bourgon for Drago Nikolić  
Mr. Aleksandar Lazarević and Mr. Christopher Gosnell for Ljubomir Borovčanin  
Ms. Natacha Fauveau Ivanović and Mr. Nenad Petrušić for Radivoje Miletić  
Mr. Dragan Krgović and Mr. David Josse for Milan Gvero  
Mr. Peter Haynes and Mr. Simon Davis for Vinko Pandurević

**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 (“Tribunal”)

**BEING SEISED OF** “Vujadin Popović’s Notice of Disclosure of the Statements of Prof. Dunjić and Prof. Stojković”, filed with confidential annexes on 12 May 2009;

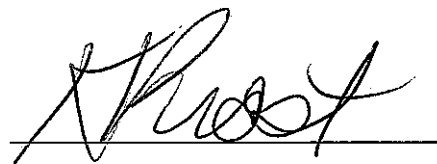
**NOTING** the “Prosecution Response to Vujadin Popović’s Notice of Disclosure of the Statements of Prof. Dunjić and Prof. Stojković”, filed on 26 May 2009, in which the Prosecution does not object to the admissibility of the statements of Professors Dunjić and Stojković in *lieu* of oral testimony without cross-examination, pursuant to Rule 92 *bis* of the Rules of Procedure and Evidence (“Rules”);

**NOTING** “Vujadin Popović’s Notice of Disclosure of the English Translations of the Statements of Prof. Dunjić and Prof. Stojković”, filed with confidential annexes on 27 May 2009;

**PURSUANT TO** Rule 92 *bis*,

**HEREBY ADMITS** the statements of Professors Dunjić and Stojković in *lieu* of oral testimony without requiring Professors Dunjić and Stojković to appear for cross-examination.

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



Kimberly Prost  
Judge

Dated this 30th day of July 2009  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**