



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-04-81-T

Date: 20 January 2010

Original: English

**IN TRIAL CHAMBER I**

**Before:** Judge Bakone Justice Moloto, Presiding  
Judge Pedro David  
Judge Michèle Picard

**Registrar:** Mr. John Hocking

**Decision of:** 20 January 2010

**PROSECUTOR**

**v.**

**MOMČILO PERIŠIĆ**

***PUBLIC***

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**DECISION ON PROSECUTION MOTION TO RE-CALL  
WITNESS RANDALL**

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**The Office of the Prosecutor**

Mr. Mark Harmon  
Mr. Daniel Saxon

**Counsel for the Accused**

Mr. Novak Lukić  
Mr. Gregor Guy-Smith

**TRIAL CHAMBER I** (“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 Motion to Re-call Witness Randall” filed publicly on 11 January 2010 (“Motion”), whereby the Prosecution seeks leave to re-call Witness Randall to testify as to the origin of Exhibit P600;

**NOTING** the “Response to Prosecution Motion to Re-call Witness Randall” filed publicly by the Defence on 18 January 2010, whereby the Defence does not oppose the Motion;

**NOTING** the Prosecution’s submission that it unsuccessfully sought stipulation from the Defence that P600 was taken by OTP investigators at the Orahovac execution site;

**NOTING** that Witness Randall testified before the Trial Chamber during the period of 9-18 March 2009;

**CONSIDERING** that the re-call of a witness should be exceptional as it unnecessarily inconveniences and financially burdens the Tribunal;<sup>1</sup>

**CONSIDERING**, however, the limited scope of the expected testimony of Witness Randall and his availability to give testimony on short notice;

**CONSIDERING** that hearing the testimony of Witness Randall will best favour a fair determination of the matter before it;

**PURSUANT TO** Rules 54, 85 and 89 of the Rules of Procedure and Evidence,

**GRANTS** the Motion; and

**LIMITS** the examination of Witness Randall to the issue of the origin of Exhibit P600.

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



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Judge Bakone Justice Moloto  
Presiding Judge

Dated this twentieth day of January 2010

At The Hague

The Netherlands

**[Seal of the Tribunal]**

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<sup>1</sup> See *Prosecution v. Naser Orić*, Case No. IT-03-68-T, Decision on Defence Motion to Recall a Witness, 30 November 2004, p. 3.