



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: 13 April 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:

13 April 2010

PROSECUTOR

v.

MOMČILO PERIŠIĆ

PUBLIC

**DECISION ON MR. PERIŠIĆ'S MOTION FOR THE
ADMISSION OF EVIDENCE PURSUANT TO RULE
92 *BIS* WITH PUBLIC ANNEX A**

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;

BEING SEISED of “Mr. Perišić’s Motion for the Admission of Evidence Pursuant to Rule 92*bis* with Public Annex” publicly filed on 22 March 2010 (“Motion”), in which the Defence seeks the admission into evidence, pursuant to Rule 92*bis* of the Rules of Procedure and Evidence (“Rules”), of the written statement of Zoran Živković (“Proposed Statement”);

NOTING the “Prosecution’s Response to Mr. Perišić’s Motion for the Admission of Evidence Pursuant to Rule 92*bis* with Public Annex” (“Response”), filed publicly on 6 April 2010, in which the Prosecution does not oppose the Motion and notifies the Chamber that it does not seek to cross-examine Mr. Živković;¹

NOTING the requirements for admission of a statement under Rule 92 *bis* as set out in a previous decision by this Trial Chamber;²

CONSIDERING that the Proposed Statement refers to events that took place outside the temporal scope of the Indictment, and does not go to proof of the acts and conduct of the Accused as charged in the Indictment;

CONSIDERING that the Proposed Statement is relevant and of probative value, as it furnishes evidence as to the character of the Accused;

CONSIDERING that the Proposed Statement is duly certified and fulfils the requirements of Rule 92 *bis*(B) of the Rules;

CONSIDERING that admission of the Proposed Statement will contribute to the efficiency and expedition of the proceedings;

FOR THE FOREGOING REASONS

PURSUANT TO Rules 89 and 92 *bis* of the Rules,

THE CHAMBER HEREBY:

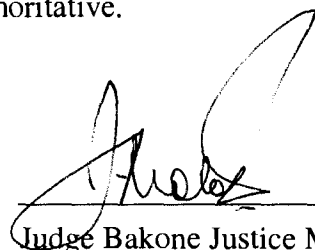
GRANTS the Motion and **ADMITS** into evidence the Proposed Statement of Zoran Živković;

¹ Response, paras 1-2.

² Decision on Prosecution Motion for Admission of Evidence, 2 October 2008, para 10.

REQUESTS the Registry to assign an exhibit number to the Proposed Statement admitted into evidence.

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



Judge Bakone Justice Moloto
Presiding Judge

Dated this thirteenth day of April 2010

At The Hague

The Netherlands

[Seal of the Tribunal]