

UNITED
NATIONS

IT-04-81-T
D27386-D27384
11 FEBRUARY 2011

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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: 11 February 2011

Original: English

IN TRIAL CHAMBER I

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

Registrar: Mr. John Hocking

Decision of: 11 February 2011

PROSECUTOR

v.

MOMČILO PERIŠIĆ

PUBLIC

**DECISION TO ADMIT INTO EVIDENCE
DOCUMENT ID 0469-3121 ET - 0469-3128 ET**

The Office of the Prosecutor

Mr. Mark Harmon

Counsel for the Accused

Mr. Novak Lukić
Mr. Gregor Guy-Smith

11 February 2011

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;

NOTING that on 8 February 2011, during oral proceedings, the Trial Chamber raised with the parties the issue of the admission into evidence of e-court document ID 0469-3121 ET – 0469-3128 ET;¹

CONSIDERING that the aforementioned document was admitted as Exhibit 303 in the Case No. IT-95-11-T, *Prosecutor v. Milan Martić* and is a report which contains a list of victims from the Zagreb shelling incident;²

NOTING that the admission of the proposed exhibit was not opposed by either party;³

CONSIDERING the Defence’s observation during oral proceedings that the number of victims contained in the proposed exhibit is not identical to the number of victims alleged in the Indictment;⁴

NOTING that any difference between the numbers of victims may very well be due to the status accorded to the victims in the Indictment;

FINDING that the proposed exhibit is relevant to and probative of the number and status of victims that may have been involved in the Zagreb shelling incident;

PURSUANT to Rule 89(c) of the Rules of Procedure and Evidence;

ADMITS into evidence *proprio motu* e-court document ID 0469-3121 ET – 0469-3128 ET;

INSTRUCTS the Registrar to assign an exhibit number to the document admitted into evidence and to upload the corresponding B/C/S version into e-court.


¹ Hearing of 8 February 2011, T. 14607.

² Hearing of 8 February 2011, T. 14607.

³ Hearing of 8 February 2011, T. 14607-14608.

⁴ Hearing of 8 February 2011, T. 14608. *See* Indictment, Schedule C.

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



Judge Bakone Justice Moloto
Presiding Judge

Dated this eleventh day of February 2011

At The Hague

The Netherlands

[Seal of the Tribunal]