1T-04-81-T D27400-D27399 18 FEBRUARY 2011

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# UNITED NATIONS



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:

18 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:** 

**18 February 2011** 

**PROSECUTOR** 

V.

## MOMČILO PERIŠIĆ

#### **PUBLIC**

#### DECISION TO ADMIT EXHIBIT PROPRIO MOTU

#### The Office of the Prosecutor

Mr. Mark Harmon

### Counsel for Momčilo Perišić

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;

NOTING that, during its cross-examination of Ivan Đokić, the Prosecution mentioned a statement from Momčilo Perišić concerning Mr. Đokić's work on modified air-bombs, to wit: "[Ivan Đokić] is also an innovator, because something that could not have been used in this auditorium, he made it in such a way that it is being used from the ground. And everything went topsy-turvy whenever it

was used, but that's just among us";1

**NOTING** that the statement in question stems from document 65ter 7680, page 0622-0454;

**NOTING** that the Prosecution did not tender the document into evidence;

**CONSIDERING** that the Trial Chamber finds the document of probative value and relevant to. matters at issue in the case;

**DECIDES** to admit pages 0622-0429<sup>2</sup> and 0622-0454 of document 65ter 7680 into evidence proprio motu under Rule 89(C) of the Rules of Procedure and Evidence;

INSTRUCTS the Registry to assign an exhibit number to the document and attach the corresponding English translations, which are uploaded in e-court as documents 0622-0429-EDT and 0622-0454-EDT.

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

Judge Bakone Justice Moloto

Presiding Judge

Dated this eighteenth day of February 2011

At The Hague

The Netherlands

[Seal of the Tribunal]

<sup>&</sup>lt;sup>1</sup> Testimony of Ivan Đokić, T. 14493.

<sup>&</sup>lt;sup>2</sup> This is the exhibit's cover page.