



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-95-5/18-T

Date: 11 May 2011

Original: English

IN THE TRIAL CHAMBER

Before: Judge O-Gon Kwon, Presiding Judge
Judge Howard Morrison
Judge Melville Baird
Judge Flavia Lattanzi, Reserve Judge

Registrar: Mr. John Hocking

Decision of: 11 May 2011

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

DECISION ON ADMISSION OF WITNESS STATEMENT OF GRIFFITHS EVANS

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused

Mr. Radovan Karadžić

Standby Counsel

Mr. Richard Harvey

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”) is seised of the “Prosecution Further Submission on Rule 92 *bis* Documentation for Witness Griffiths Evans”, filed on 12 April 2011, (“Submission”), and hereby issues its decision thereon.

1. On 2 November 2009, the Chamber ordered that the witness statement of Griffiths Evans be provisionally admitted pursuant to Rule 92 *bis* of the Tribunal’s Rules of Procedure and Evidence (“Rules”), subject to its attestation under Rule 92 *bis*(B), and the statement was subsequently assigned exhibit number P51 by the Registry.¹

2. On 10 December 2010, the Chamber ordered the Office of the Prosecutor (“Prosecution”) to complete the Rule 92 *bis*(B) attestation procedure for the witness statement by 31 January 2011.² On 28 January 2011, the Prosecution filed a submission requesting the full admission of the statement into evidence, providing faxed-copies of the Rule 92 *bis*(B) attestation documentation.³ During the trial proceedings on 25 February 2011, the presiding Judge stated that “[...] the Chamber is not deciding on the submission until the Prosecution submits the original documentation, which should happen as soon as possible.”⁴

3. On 12 April 2011, the Prosecution filed its Submission requesting the Chamber to admit into evidence the statement along with its attestation documentation as exhibit P51, under seal, on the basis that the attestation procedure in relation to this witness had been completed and the original attestation document provided. It also provided a public redacted version of the statement, with Rule 65 *ter* number 90017A.⁵

4. The Chamber has outlined the requirements for Rule 92 *bis*(B) attestation in its 9 July 2010 “Decision on Prosecution’s Motion to Formally Admit the Certified Rule 92 *bis* Statements of Sarajevo Witnesses” and will not do so again here.⁶ Bearing those in mind, the Chamber has examined the attested statement of Griffiths Evans to determine if it adheres to the formal requirements of Rule 92 *bis*(B). A public notary authorised under the law of the Republic of Ghana witnessed the attestation of the statement. Griffiths Evans declared that the

¹ See Decision on Prosecution’s Sixth Motion for Admission of Statements In Lieu of *Viva Voce* Testimony Pursuant to Rule 92 *bis*: Hostage Witnesses, 2 November 2009, para. 33.

² See Decision on Prosecution’s Submission and Requests in relation to Outstanding Exhibit Issues, 10 December 2010, para. 13.

³ See Prosecution Submission Concerning the Trial Chamber’s Decision on Prosecution’s Submission and Requests in relation to Outstanding Exhibit Issues, 28 January 2011.

⁴ See T. 12466–12467, 25 February 2011.

⁵ Submission, paras. 3–4.

⁶ Decision, paras. 4–5.

contents of the statement are true and accurate to the best of his knowledge and belief, and was informed in a language which he understood that he might be subject to proceedings for giving false testimony. Griffiths Evans is identified by his name, date of birth, and place of residence, and the attestation provides the date and place of declaration. Therefore, the Chamber is satisfied that the certification procedure for the above statement fulfils the formal requirements of Rule 92 *bis*(B) for its full admission into evidence. Additionally, the public redacted version of the statement shall also be admitted.

5. Accordingly, the Chamber, pursuant to Rules 89 and 92 *bis* of the Rules, hereby:
- (a) **ADMITS** into evidence exhibit P51;
 - (b) **ADMITS** into evidence Rule 65 *ter* number 90017A as the public redacted version of P51, and **REQUESTS** the Registry to assign it an exhibit number.

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



Judge O-Gon Kwon
Presiding

Dated this eleventh day of May 2011
At The Hague
The Netherlands

[Seal of the Tribunal]