



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-05-87/1-T  
Date: 24 July 2009  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Kevin Parker, Presiding  
Judge Christoph Flügge  
Judge Melville Baird

**Registrar:** Mr John Hocking

**Decision:** 24 July 2009

**PROSECUTOR**

v.

**VLASTIMIR ĐORĐEVIĆ**

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*PUBLIC*

**DECISION ON VLASTIMIR ĐORĐEVIĆ'S MOTION FOR  
JUDICIAL NOTICE PURSUANT TO RULE 94(B)**

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**The Office of the Prosecutor:**

Mr Chester Stamp  
Ms Daniela Kravetz

**Counsel for the Accused:**

Mr Dragoljub Đorđević  
Mr Veljko Đurđić

**THIS TRIAL CHAMBER** (“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 SEIZED OF** “Vlastimir Đorđević’s Motion Requesting Judicial Notice pursuant to ICTY Rule 94(B)” filed by counsel for Vlastimir Đorđević on 16 July 2009 (“Motion”) requesting that the Chamber take judicial notice of a “Prosecution Report on Physical Evidence of Bomb Fragments with Annex A” submitted by the Office of the Prosecution (“Prosecution”) in the *Milutinović et al* trial proceedings (“*Milutinović* Report”);

**NOTING** the “Prosecution’s Response to Vlastimir Đorđević’s Motion Requesting Judicial Notice Pursuant to ICTY Rule 94(B)” filed by the Prosecution on 21 July 2009 whereby the Prosecution confirms that the information contained in the *Milutinović* Report is true and accurate and does not oppose to the content of the Report being used in the present case;

**CONSIDERING** that pursuant to Rule 94(B) of the Rules of Procedure and Evidence (“Rules”) the Chamber may decide to take judicial notice of documentary evidence from other proceedings of the Tribunal relating to matters at issue in the current proceedings;

**CONSIDERING** further that pursuant to Rule 89(C) of the Rules the Chamber may admit any relevant evidence which it deems to have probative value;

**CONSIDERING** that the *Milutinović* Report relates to issues raised during the testimony of Prosecution witness Sabri Popaj and is relevant to allegations in the present Indictment,

**CONSIDERING** that there are sufficient indicia of reliability for the *Milutinović* Report to be admitted in evidence in the present case;

For the foregoing reasons and pursuant to Rules 89(C) and 94(B) of the Rules the Chamber

- (i) **GRANTS** the Motion and **ORDERS** that the *Milutinović* Report shall be admitted in evidence; and
- (ii) **REQUESTS** the Registry to assign exhibit number to the admitted document.

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

Dated this twenty-fourth day of July 2009  
At The Hague  
The Netherlands



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Judge Kevin Parker  
Presiding

[Seal of the Tribunal]