

UNITED  
NATIONS



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: 22 April 2010  
Original: English

**IN TRIAL CHAMBER II**

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

**Registrar:** Mr John Hocking

**Decision:** 22 April 2010

**PROSECUTOR**

v.

**VLASTIMIR ĐORĐEVIĆ**

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*PUBLIC*

**DECISION ON VLASTIMIR ĐORĐEVIĆ'S MOTION TO  
ADMIT CORRELATIVE PORTIONS OF MFI P1575 USED BY  
THE DEFENCE WITH WITNESS DANICA MARINKOVIĆ**

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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 to Admit Correlative Portions of MFI P1575 used by the Defence with Witness Danica Marinković”, filed by Counsel for Vlastimir Đorđević (“Defence”) on 1 April 2010 (“Motion”), whereby the Defence seeks the admission into evidence of two segments of a video which it used during re-examination of defence witness Danica Marinković on 19 March 2010, namely the two portions shown at running time 17:13-17:30, and 18:32-18:46, respectively,<sup>1</sup> and of the Addendum to the Motion filed on 12 April 2010, consisting of the two segments of the video the Defence seeks to tender;<sup>2</sup>

**NOTING** the Defence submission that as the Chamber, in its decision of 30 March 2010,<sup>3</sup> found that the video-segments tendered by the Prosecution bear sufficient indicia of *prima facie* reliability, the same standard should be applied to the two segments of the video used in re-examination with defence witness Danica Marinković;<sup>4</sup>

**NOTING**, further, the Defence submission that these two segments of the video used with defence witness Danica Marinković during re-examination provide context to the record and a better understanding of the events, and should be admitted as having the same purpose as the portions currently constituting MFI P1575;<sup>5</sup>

**NOTING** that the Office of the Prosecutor (“Prosecution”) has informed the Chamber and the Defence that it will not be filing a response to the Motion;

**RECALLING** that in its Decision, the Chamber held that, *inter alia*, while there are several deficiencies in the evidence relating to MFI P1575, when taken together with the oral evidence of witnesses heard by the Chamber in this case, MFI P1575 has sufficient indicia of *prima facie* reliability to justify its admission into evidence;<sup>6</sup>

**NOTING** that defence witness Danica Marinković gave specific evidence about the two segments of the video-recording shown to her during re-examination, and that these two segments of the

<sup>1</sup> See Motion para 2. The two segments are 17:13-17:30, used with witness Danica Marinković at T. 13107-13108, and 18:32-18:46, used with witness Danica Marinković at T 13108.

<sup>2</sup> See *Prosecutor v. Vlastimir Đorđević*, Case No. IT-05-87/1-T, “Addendum to Vlastimir Đorđević’s Motion to Admit Correlative Portions of MFI P1575 used by the Defence with Witness Danica Marinković”

<sup>3</sup> See *Prosecutor v. Vlastimir Đorđević*, Case No. IT-05-87/1-T, “Decision on Prosecution’s Motion for Admission of Video-Recording MFI P1575”, 30 March 2010 (“Decision”).

<sup>4</sup> Motion, para 3.

<sup>5</sup> Motion, para 3.

<sup>6</sup> Decision, para 14.

video-recording may prove of assistance to the Chamber in its understanding of this witness's evidence and the evidence concerning the events in Račak;

**NOTING** further that the Prosecution does not object to the Motion;

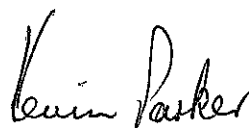
**CONSIDERING**, therefore, that it is appropriate, pursuant to Rule 89(C) of the Rules of Procedure and Evidence, to admit into evidence the two segments of the video-recording tendered by the Defence;

**GRANTS** the Motion and **DECIDES** to admit video-segments 17:13-17:30 and 18:32-18:46 contained in the Addendum to the Motion.

**REQUESTS** the Registry to assign an exhibit number to these two video-segments.

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

Dated this twenty-second day of April 2010  
At The Hague  
The Netherlands



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Judge Kevin Parker  
Presiding

**[Seal of the Tribunal]**