



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-98-32/1-T
Date: 23 July 2008
Original: English

IN TRIAL CHAMBER III

Before: Judge Patrick Robinson, Presiding
Judge Christine van den Wyngaert
Judge Pedro David

Registrar: Mr. Hans Holthuis

Decision of: 23 July 2008

PROSECUTOR

v.

**MILAN LUKIĆ
AND
SREDOJE LUKIĆ**

PUBLIC

**DECISION ON PROSECUTION'S MOTION FOR
ADMISSION OF EVIDENCE OF WITNESSES
PURSUANT TO RULES 89 AND 92 *QUATER* WITH
CONFIDENTIAL ANNEXES A, B AND C**

The Office of the Prosecutor

Mr. Dermot Groome
Mr. Frédéric Ossogo
Ms. Laurie Sartorio
Mr. Stevan Cole
Ms. Francesca Mazzocco

Counsel for the Accused

Mr. Jason Alarid for Milan Lukić
Mr. Đuro Čepić and Mr. Jens Dieckmann for Sredoje Lukić

TRIAL CHAMBER III (“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”);

BEING SEISED of the “Prosecution’s Motion for Admission of Evidence of Witnesses Pursuant to Rules 89 and 92 *quater* with Confidential Annexes A, B and C”, filed confidentially on 28 March 2008 (“Motion”), wherein the Prosecution requests that the testimony of the deceased Witness VG-087 be received under Rule 92 *quater* of the Rules of Procedure and Evidence (“Rules”) instead of Rule 92 *ter*;¹

NOTING that in the Decision of 19 June 2008, the Pre-Trial Judge, in accordance with Rule 65 *ter*(N) of the Rules, reported the matter of admission of the testimony of a group of proposed witnesses including Witness VG-087 to the Trial Chamber for determination as to whether or not this evidence should be excluded on the ground of unjustified delay in disclosure;²

CONSIDERING that the Trial Chamber in its Decision of 8 July 2008 did not permit the inclusion of Witness VG-087 on the Prosecution witness list;³

HEREBY DISMISSES THE MOTION as moot.

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



Judge Patrick Robinson
Presiding

Dated this twenty-third day of July 2008
At The Hague
The Netherlands

[Seal of the Tribunal]

¹ Motion, para. 29. On 15 February 2008, the Prosecution filed its “Confidential Prosecution’s motion for Admission of Prior Testimony with Associated Exhibits and Written Statements of Witnesses Pursuant to Rule 92 *ter*”. In this motion, the Prosecution requested an order permitting it to call witness VG-087 as a 92 *ter* witness.

² Further Decision on Prosecution’s Motion to Amend Rule 65 *ter* Witness List and Related Submissions, 19 June 2008.

³ Decision in Relation to Prosecution Proposed Witnesses, 8 July 2008.