



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: 07 December 2009

Original: English

**IN TRIAL CHAMBER I**

**Before:** Judge Bakone Justice Moloto, Presiding  
Judge Pedro David  
Judge Michèle Picard

**Registrar:** Mr. John Hocking

**Decision of:** 07 December 2009

**PROSECUTOR**

v.

**MOMČILO PERIŠIĆ**

***PUBLIC***

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**DECISION ON PROSECUTION'S REPORT RELATING  
TO OPEN SOURCE DOCUMENTS**

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**The Office of the Prosecutor**

Mr. Mark Harmon  
Mr. Daniel Saxon

**Counsel for the Accused**

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 (“Tribunal”);

**BEING SEISED** of the “Prosecution’s Report Relating to Open Source Documents Identified in Decision on Prosecution’s Second and Third Bar Table Motion and Annexes”, filed publicly on 26 November 2009 (“Report”);

**NOTING** that in its “Decision on Prosecution’s Second and Third Bar Table Motions” filed on 16 November 2009 (“Decision”), the Trial Chamber deferred ruling on the admissibility of documents 65 *ter* numbers 01267, 07407, 07410, 07413, 07415, 07416, 07417, 07418, 07419, 07421, 07422, 07423, 07424, 07428, 07429, 07430, 07431, 07433, 07821 and 07822 pending their submission by the Prosecution in a reliable format;<sup>1</sup>

**NOTING** further that the Trial Chamber also deferred ruling on the admissibility of 65 *ter* numbers 07824, 07825 and 07826 because the original documents had not been uploaded to court;<sup>2</sup>

**CONSIDERING** that the Prosecution has submitted copies of the original documents as ordered by the Trial Chamber relating to 65 *ter* numbers 07824, 07825 and 07826 attached in Annex A of the Report and to 65 *ter* numbers 01267, 07407, 07415, 07416, 07419, 07421 and 07433 in Annex B of the Report;<sup>3</sup>

**PURSUANT** to Rules 54 and 89 (C) of the Rules of Procedure and Evidence, the Trial Chamber hereby:

**ADMITS** into the evidence as exhibits 65 *ter* numbers 07824, 07825, 07826, 01267, 07407, 07415, 07416, 07419, 07421 and 07433;

**DENIES** the admission into evidence of 65 *ter* numbers 07410, 07413, 07417, 07418, 07422, 07423, 07424, 07428, 07429, 07430, 07431, 07821 and 07822;

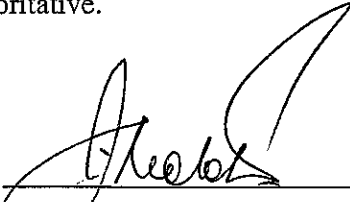
**DIRECTS** the Registry to upload to e-court the copies of the original documents in Annexes A and B of the Report and CLSS to verify their conformity with the English version of the aforementioned 65 *ter* numbers.

<sup>1</sup> Decision, paras 20, 31.

<sup>2</sup> Decision, paras 21, 31.

<sup>3</sup> Report, paras 4-5. The Prosecution was unable to obtain originals for the remaining 65 *ter* documents.

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



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Judge Bakone Justice Moloto  
Presiding Judge

Dated this seventh day of December 2009  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**