



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: 3 February 2011

Original: English

IN TRIAL CHAMBER I

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

Registrar: Mr. John Hocking

Decision of: 3 February 2011

PROSECUTOR

v.

MOMČILO PERIŠIĆ

PUBLIC

**DECISION ON MR. PERIŠIĆ'S MOTION REGARDING
ADMISSION OF IVAN DJOKIĆ'S EXPERT REPORT
SUPPORTING MATERIAL**

The Office of the Prosecutor

Mr. Mark Harmon

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”) is seised of “Mr. Perišić’s Motion Regarding Admission of Ivan Djokić’s Expert Report Supporting Material” filed publicly on 26 January 2011 (“Motion”) and hereby renders its Decision.

I. SUBMISSIONS

1. On 4 and 5 November 2010, witness Ivan Djokić gave his expert testimony before the Trial Chamber. The Defence submits, that during the testimony, it proposed to tender into evidence some documents which constituted supporting material for Djokić’s expert report. Consequently, the Trial Chamber instructed the Defence to make a list of those materials and file a submission in that respect.¹

2. In its Motion, the Defence provides a table with a list of documents from Djokić’s supporting material, specifying additional details and pages that the Defence seeks to have tendered into evidence. The Defence avers that the documents in question are already uploaded into e-court, and the Defence tenders them to “verify the basis upon which the expert reached his conclusions”.²

3. The Defence seeks the admission into evidence of the following *65ter* number documents:

(i) 01280D to 01292D;

(ii) 01302D, 01304D, 01305D, 06332D, 06088D, 06281D;

(iii) 07004D to 07017, 07019, 07020;

(iv) 07022 to 07039D;

(v) 07045D to 07047D;

(vi) 07049D to 07051D; and

(vii) 08971.02 (collectively, “Proffered Documents”) into evidence.³

4. The Trial Chamber notes that the Prosecution does not oppose the Motion.⁴

¹ T. 14514, *see* Motion, para. 1 and footnote 3.

² Motion, para. 2.

³ *See* Motion, para. 2, 3 for the specific page numbers.

⁴ Prosecution’s informal communication to the Trial Chamber’s legal officer of 27 January 2011.

II. DISCUSSION

5. After having examined the Proffered Documents, the Trial Chamber is satisfied that they are relevant and of probative value and are admissible under Rule 89 of the Rules of Procedure and Evidence.

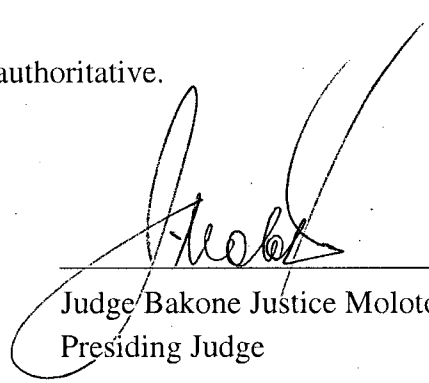
III. DISPOSITION

6. **FOR THE FORGOING REASONS** and **PURSUANT TO** Rules 54, 89, and 94 *bis* of the Rules, the Trial Chamber hereby

GRANTS the Motion;

ADMITS the relevant parts of the Proffered Documents as listed in the table contained in the Motion.

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



Judge Bakone Justice Moloto
Presiding Judge

Dated this third day of February 2010

At The Hague

The Netherlands

[Seal of the Tribunal]