



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-05-88-T
Date: 30 July 2009
Original: English

IN TRIAL CHAMBER II

Before: Judge Carmel Agius, Presiding
Judge O-Gon Kwon
Judge Kimberly Prost
Judge Ole Bjørn Støle – Reserve Judge

Registrar: Mr. John Hocking

Decision of: 30 July 2009

PROSECUTOR

v.

**VUJADIN POPOVIĆ
LJUBIŠA BEARA
DRAGO NIKOLIĆ
LJUBOMIR BOROVIČANIN
RADIVOJE MILETIĆ
MILAN GVERO
VINKO PANDUREVIĆ**

PUBLIC

**DECISION ON POPOVIĆ'S NOTICE OF DISCLOSURE OF THE
STATEMENTS OF PROFESSORS DUNJIĆ AND STOJKOVIĆ**

Office of the Prosecutor

Mr. Peter McCloskey

Counsel for the Accused

Mr. Zoran Živanović and Ms. Mira Tapušковиć for Vujadin Popović
Mr. John Ostojić and Mr. Predrag Nikolić for Ljubiša Beara
Ms. Jelena Nikolić and Mr. Stéphane Bourgon for Drago Nikolić
Mr. Aleksandar Lazarević and Mr. Christopher Gosnell for Ljubomir Borovčanin
Ms. Natacha Fauveau Ivanović and Mr. Nenad Petrušić for Radivoje Miletić
Mr. Dragan Krgović and Mr. David Josse for Milan Gvero
Mr. Peter Haynes and Mr. Simon Davis for Vinko Pandurević

THIS 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 “Vujadin Popović’s Notice of Disclosure of the Statements of Prof. Dunjić and Prof. Stojković”, filed with confidential annexes on 12 May 2009;

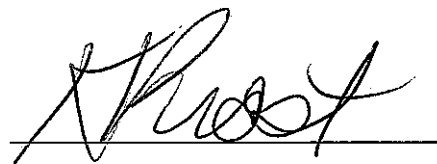
NOTING the “Prosecution Response to Vujadin Popović’s Notice of Disclosure of the Statements of Prof. Dunjić and Prof. Stojković”, filed on 26 May 2009, in which the Prosecution does not object to the admissibility of the statements of Professors Dunjić and Stojković in *lieu* of oral testimony without cross-examination, pursuant to Rule 92 *bis* of the Rules of Procedure and Evidence (“Rules”);

NOTING “Vujadin Popović’s Notice of Disclosure of the English Translations of the Statements of Prof. Dunjić and Prof. Stojković”, filed with confidential annexes on 27 May 2009;

PURSUANT TO Rule 92 *bis*,

HEREBY ADMITS the statements of Professors Dunjić and Stojković in *lieu* of oral testimony without requiring Professors Dunjić and Stojković to appear for cross-examination.

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



Kimberly Prost
Judge

Dated this 30th day of July 2009
At The Hague
The Netherlands

[Seal of the Tribunal]