



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-98-34-T
Date: 9 November 2001
Original: English

BEFORE TRIAL CHAMBER I SECTION A

Before: Judge Liu Daqun, Presiding
Judge Maureen Harding Clark
Judge Fatoumata Diarra

Registrar: Mr. Hans Holthuis

Order of: 9 November 2001

PROSECUTOR

v.

MLADEN NALETILIĆ aka "TUTA"
and
VINKO MARTINOVIĆ aka "ŠTELA"

DECISION ON ADMISSION OF EXHIBITS

The Office of the Prosecutor:

Mr. Kenneth Scott

Counsel for the Accused:

Mr. Krešimir Krsnik, for Mladen Naletilić
Mr. Branko Šerić, for Vinko Martinović

TRIAL CHAMBER I, SECTION A (“the 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 (“the Tribunal”):

NOTING the “Motion of the Defence of Mladen Naletilić with Regards to the Prosecutor’s Proposal Related to the Introduction of Exhibits into Evidence” filed on 9 August 2001, and the “Suggestions of the Accused Mladen Naletilić to Deny Admission of Certain Prosecutor Exhibits” filed on 10 October 2001;

NOTING the “Prosecutor’s Response to ‘Suggestions of the Accused Mladen Naletilić to Deny Admission of Certain Prosecutor Exhibits’” filed on 23 October 2001;

CONSIDERING the “Order Re-Stating the Principles on the Presentation of Documents and Other Evidence Items” issued on 25 October 2001;

CONSIDERING that the “Decision on Defence’s Motion Concerning the Translation of all Documents” filed on 18 October 2001 ordered that all documents, which are submitted should be translated in order to be admitted into evidence by the Chamber;

CONSIDERING the “Order Relating to Request for all Documents Relating to Search Warrant Issued on 18th September and Signed by the Honourable Judge May and Decision on Motion for Extension of Time to File Objections Concerning Admissibility of Evidence Seized Pursuant to Search Warrant”, filed on 1 November 2001;

CONSIDERING FURTHER that pursuant to Rule 89 (C) of the Rules of Procedure and Evidence (“the Rules”) “[a] Chamber may admit any relevant evidence which it deems to have probative value”;

CONSIDERING that the “Decision on Application of Defendant Zejnil Delalić for Leave to Appeal against the Decision of the Trial Chamber of 19 January 1998 for the Admissibility of Evidence” (The Prosecutor v. Delalić, Case No.: IT-96-21-AR73.2, 4 March 1998), held that “[t]here is no legal basis ... that proof of authenticity is a separate threshold requirement for the admissibility of documentary evidence”;

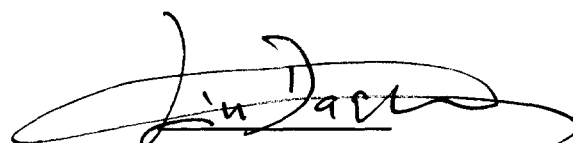
FOR THE FOREGOING REASONS**PURSUANT TO** Rule 89 (C) of the Rules;

DECIDES that the following documents submitted by the Prosecutor are admitted into evidence: P54 (*confidential*), P55, P56, P58 (*confidential*), P59 (*confidential*), P60, P125.1, P218 (*confidential*), P219 (*confidential*), P333, P343, P360, P362, P368, P370, P389, P418, P443, P649, P683, P684, P687, P688, P689, P692, P693, P694, P695, P696, P697, P698, P703, P707, P730, P731, P771, P787, P815, P816, P817, P829, P830.1, P831, P832, P849, P850;

DECIDES that the following documents submitted by the Defence are admitted into evidence: D1/11, D1/13, D2/3, D2/5, D2/7.

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

Dated this ninth day of November 2001,
At The Hague,
The Netherlands



Judge Liu Daqun
Presiding Judge

[Seal of the Tribunal]