



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: 3 May 2002

Original: English

**BEFORE TRIAL CHAMBER I SECTION A**

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

**Registrar:** Mr. Hans Holthuis

**Decision of:** 3 May 2002

**PROSECUTOR**

v.

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

**DECISION ON THE ACCUSED NALETILIĆ'S REQUEST FOR  
ENFORCEMENT OF TRIAL CHAMBER'S PREVIOUS ORDER  
REGARDING DOCUMENTS DURING CROSS-EXAMINATION**

**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”),

**BEING SEIZED OF** the “Accused Naletilić’s Request for Enforcement of Trial Chamber’s Previous Order Regarding Documents During Cross-examination”, filed on 15 April 2002 (“the Motion”);

**NOTING** the “Prosecutor’s Response to Accused Naletilić’s Request for Enforcement of Trial Chamber’s Previous Order Regarding Documents During Cross-examination”, filed on 22 April 2002 (“the Response”);

**NOTING** that in the Motion, the Naletilić Defence requests that “the Prosecution be made to proceed under the same standards concerning the turning over of documents intended to be used in cross-examination, that is the morning of the cross-examination, before trial, as was the Defence during the Prosecution case-in-chief”;

**NOTING** that in the Response, the Prosecution argues that while the Defence refers to comments made by the Presiding Judge during the course of the proceedings, it does not give a fair representation of the practice that it followed during the presentation of the Prosecution case; that in fact, all but one exhibit that the Defence intended to use in the cross-examination of Prosecution witnesses were submitted to the Prosecution and the Chamber “at the moment the witness was confronted with the exhibit”;

**CONSIDERING** that the Chamber agrees with the Prosecution and finds that the statement of the Defence is taken out of context;

**CONSIDERING** that the practice followed before the Chamber is designed to facilitate the conduct of the proceedings, in full respect for the rights of both parties;

**CONSIDERING** that the Chamber finds no reason to change its current practice;

**CONSIDERING** that the parties invoke the principle of equality of arms, according to which this practice should apply to both parties under the same conditions;

**FOR THE FOREGOING REASONS,**

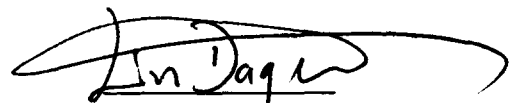
**HEREBY REMINDS** the parties of the practice in place, which is that the party conducting the cross-examination may give to the other party and to the Chamber the exhibits it intends to use during the cross-examination at the time that the document is submitted to the witness; that an

earlier distribution is encouraged as it facilitates the conduct of the proceedings; and that a list of the exhibits intended to be used should be distributed in advance to allow the Chamber as well as the other party to bring the relevant documents into court;

**CONFIRMS** that the Chamber continues its current practice.

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

Dated this third of May 2002,  
At The Hague,  
The Netherlands



Judge Liu Daqun  
Presiding Judge

**[Seal of the Tribunal]**