



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: 8 July 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:** 8 July 2002

**PROSECUTOR**

v.

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

**DECISION ON THE ADMISSION OF EXHIBITS  
TENDERED THROUGH ŽELJKO GLASNOVIĆ**

**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 SEISED OF** the following submissions:

- 1) “Prosecutor’s Submission of Cross-examination Exhibits Concerning Witness Glasnović”, filed confidentially on 21 May 2002 (“the Submission”);
- 2) “Accused Naletilić’s Objections to Certain Documents Tendered During Cross-examination of Glasnović”, filed on 27 May 2002;

**NOTING** that the Prosecution put forward the list of the exhibits submitted through the testimony of Željko Glasnović that it seeks to have admitted;

**NOTING** that the Naletilić Defence put forward its objections to the exhibits tendered by the Prosecution;

**NOTING** that Željko Glasnović finished testifying on the 16 May 2002 and that the Naletilić Defence has not filed any request for admission of the Defence exhibits used during the testimony;

**CONSIDERING** 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 Appeals Chamber has held that “[t]here is no legal basis ... that proof of authenticity is a separate threshold requirement for the admissibility of documentary evidence”;<sup>1</sup>

**CONSIDERING**, however, that in accordance with the jurisprudence of the Tribunal, it is required that the evidence presents “sufficient indicia of reliability”;<sup>2</sup>

**CONSIDERING** that the party conducting the direct examination of a witness must lay the source of the document it wishes to submit through the witness, in order for that document to meet the required degree of reliability;

<sup>1</sup> *Prosecutor v. Delalić et al.*, “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”, Case No. IT-96-21-AR73.2, 4 March 1998, at para. 25.

<sup>2</sup> *Ibid.*, at para. 17; See also, *Prosecutor v. Aleksovki*, Decision on Prosecutor’s Appeal on Admissibility of Evidence, Case No. IT-95-14/1-A, 16 February 1999; *Prosecutor v. Kordić and Čerkez*, Decision on Appeal Regarding Statement of a Deceased Witness, Case No. IT-95-14/2-A, 21 July 2000; *Prosecutor v. Brdanin and Talić*, Order on the Standards Governing the Admission of Evidence, Case No. IT-99-36-T, 15 February 2002, at para. 18;

**CONSIDERING** that the party conducting the cross-examination of a witness must lay the background and the source of the documents it wishes to submit through the witness, in order to allow the witness to recognise or reject the document;

**CONSIDERING** furthermore that the mere admission of a document does not necessarily mean that the document gives an accurate portrayal of the facts;<sup>3</sup>

**RECALLING** that the decision to authorise the admission of a document is without prejudice to the value or weight which will be accorded to the document at the final stage of the trial;

**NOTING** that Exhibits P301.1 and P469 were previously admitted into evidence;<sup>4</sup>

**NOTING** that Exhibit P904 as marked by the witness has been designated by the Registrar under the number P904.1/1;

**CONSIDERING** that the Prosecution does not seek the admission into evidence of Exhibits P920 and P921;<sup>5</sup>

**FOR THE FOREGOING REASONS,**

**PURSUANT** to Rules 54 and 89 of the Rules,

**HEREBY ORDERS**, in respect to the exhibits submitted in the course of the testimony of Željko Glasnović, that the following exhibits are admitted:

P235.2; P599.4; P904.1/1; P922; P923(\*); P925;

**DECIDES** that the following exhibits are not admitted into evidence but will be given an identification number:

P920; P921;

**REMINDS** the parties that the documents indicated by (\*) are confidential.

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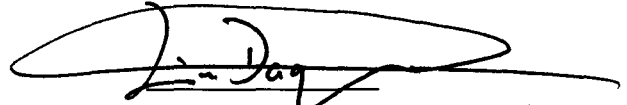
<sup>3</sup> *Ibid.*

<sup>4</sup> *Prosecutor v. Naletilić and Martinović*, Third Decision on Admission of Exhibits, Case No. IT-98-34-T, 31 January 2002.

**REMINDS** the parties that, unless otherwise ordered, any objection to the list of exhibits submitted by the other party must be filed within seven (7) days of the date of the filing of the said list.

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

Dated this eighth of July 2002,  
At The Hague,  
The Netherlands



Judge Liu Daqun  
Presiding Judge

[Seal of the Tribunal]

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<sup>5</sup> The Submission, p. 3.