



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: 18 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:** 18 July 2002

**PROSECUTOR**

v.

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

**DECISION ON THE ADMISSION OF EXHIBITS  
TENDERED THROUGH WITNESS NO**

**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) “Accused Naletilić’s Documents Tendered Through Witness ‘NO’”, filed on 28 June 2002;
- 2) “Prosecutor’s Submission of Cross-examination Exhibits Concerning Witness ‘NO’”, filed confidentially on 28 June 2002;
- 3) “Accuseds Naletilić’s Objections to Documents Tendered Through the Cross-examination of Witness ‘NO’”, filed on 10 July 2002;

**NOTING** that the parties put forward the lists of the exhibits submitted through the testimony of Witness NO that they seek to have admitted;

**NOTING** that the Prosecution has not filed any objection to the exhibit submitted by the Naletilić Defence;

**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. Aleksovski*, 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. Brđanin 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 P456.1; P456.2; P608 and P620.1 were previously admitted; that Exhibit D1/226 was also admitted by an oral decision of the Chamber on 26 June 2002;

**NOTING** that the Prosecution did not seek the admission into evidence of Exhibit P703.3;

**FOR THE FOREGOING REASONS,**

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

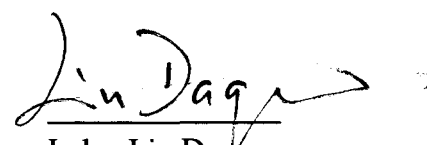
**HEREBY ORDERS**, in respect to the exhibits submitted in the course of the testimony of Witness NO, that the following exhibits are admitted:

D1/391; P246.1; P551.1; P554.1; P560.2; P562.1; P562.2; P563.1; P565.3; P565.5; P566.2; P567.1; P595.2; P601.1; P605.1; P606.3; P607.4; P611.2; P619.1; P620.2; P638.2; P645.1; P663.1; P705.1;

**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 eighteenth of July 2002,  
At The Hague,  
The Netherlands

  
Judge Liu Daqun  
Presiding Judge

**[Seal of the Tribunal]**

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