



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: 4 October 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:** 4 October 2002

**PROSECUTOR**

v.

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

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**DECISION ON THE ADMISSION OF PENDING EXHIBITS**

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**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”),

**CONSIDERING** that in principle, exhibits should be submitted through a witness;

**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;

**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 the Chamber has not yet decided upon the admissibility into evidence of the following exhibits;

**NOTING** that exhibit P956 does not bear a translation into a language that the accused understands;<sup>4</sup>

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<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.

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

**FOR THE FOREGOING REASONS,**

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

**HEREBY ORDERS** that the following exhibits are admitted:

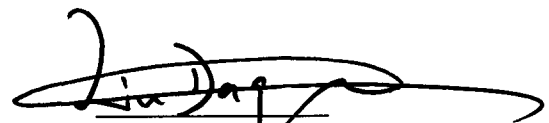
P927/1; D1/390; P424.1;

**DENIES** the admission of the following exhibit:

P956;

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

Dated this fourth of October 2002,  
At The Hague,  
The Netherlands



Judge Liu Daqun  
Presiding Judge

[Seal of the Tribunal]

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<sup>4</sup> See *Prosecutor v. Martinović and Naletilić*, Decision on Defence's Motion Concerning Translation of All Documents, Case No. IT-98-34-T, 18 October 2001, as clarified by an oral ruling dated 12 November 2002.