



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of
Former Yugoslavia since 1991

Case No. IT-02-60-T
Date: 18 December 2003
Original: English

IN TRIAL CHAMBER I, SECTION A

Before: Judge Liu Daqun, Presiding
Judge Volodymyr Vassilenko
Judge Carmen María Argibay

Registrar: Mr. Hans Holthuis

Decision: 18 December 2003

PROSECUTOR

v.

**VIDOJE BLAGOJEVIĆ
DRAGAN JOKIĆ**

**DECISION ON THE ADMISSION INTO EVIDENCE
OF INTERCEPT-RELATED MATERIALS**

The Office of the Prosecutor:

Mr. Peter McCloskey

Counsel for the Accused:

Mr. Michael Karnavas and Ms. Suzana Tomanović for Vidoje Blagojević
Mr. Miodrag Stojanović and Ms. Cynthia Sinatra for Dragan Jokić

TRIAL CHAMBER I, SECTION A ("Trial 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 ("Tribunal") is seised of the "Prosecution's Motion to Admit Intercept Evidence" ("Motion"), filed 17 November 2003,¹ to which Counsel for Dragan Jokić ("Defence"), on 12 December 2003 and with the Trial Chamber's permission, submitted his "Reply and Response to Prosecution's Motions Related to Intercept Evidence" ("Reply").² The Trial Chamber is also seised of the Defence's "Objections to Intercept Evidence", filed 17 November 2003 ("Objection"),³ to which the Prosecutor responded on 24 November 2003 ("Response").⁴ Lastly, the Trial Chamber is seised of the Prosecutor's oral motion of 16 December 2003 for the admission into evidence of two exhibits ("Oral Motion").⁵

Having considered the submissions and arguments of the parties, the Trial Chamber hereby renders its Decision.

I. INTRODUCTION

1. The Prosecutor, through her Motion, seeks the admission into evidence of the following materials:

- 1) intercepted communications of the VRS ("intercepts"), marked P170 through P317 for identification purposes,
- 2) handwritten notebooks in which intercepts were transcribed by the operators of the intercept units of the Army of Bosnia and Herzegovina ("ABiH") and the Agency for Research and Documentation of the Federation of Bosnia and Herzegovina ("SDB"),⁶ marked P322 through P345 for identification purposes, and
- 3) an annotated index of intercepts processed by the SDB, marked P347 for identification purposes.

The Prosecutor, through the Oral Motion, is also seeking the admission into evidence of two intercept-related exhibits: P121B, for identification purposes, is the handwritten notebook of an ABiH tactical intercept unit that operated in Dekić in July 1995, and P122B, for identification

¹ Prosecution's Motion to Admit Intercept Evidence, filed 17 November 2003.

² Dragan Jokić's Reply and Response to Prosecutions Motions Related to Intercept Evidence, 12 December 2003.

³ Dragan Jokić's Objections to Intercept Evidence, filed 17 November 2003.

⁴ Prosecution's Response to Jokić's Submission on Admission of Intercepts, filed 24 November 2003.

⁵ Oral motion of the Prosecutor, 16 December 2003 at T. 5995.

⁶ Witness P118, T. 3940.

purposes, is a collection of handwritten loose-leaf intercept transcripts from an ABiH tactical intercept unit that operated from Gradina in July 1995.⁷

2. The Defence has objected to the admission into evidence of the above materials on the grounds that the evidence lacks authenticity and reliability under the Rules of Procedure and Evidence ("Rules").⁸ Counsel for Vidoje Blagojević has not made any written submissions in relation to the admissibility of the above materials.

3. In her Response to the Defence's Objection, the Prosecutor asserts that the materials sought admitted through the Motion into evidence fulfil the requirements of the Rules.

II. SUBMISSIONS OF THE PARTIES

A. The Prosecutor's Motion

4. With reference to Rule 89 (C) of the Rules, the Prosecutor submits that the evidence currently at issue mainly pertains to communications between officers and soldiers of the VRS Main Staff, Drina Corps and subordinate brigades during the weeks before, during and after the fall of Srebrenica. In her opinion, the evidence, therefore, satisfies the relevance threshold of Rule 89 (C).⁹ According to the Prosecutor, taken as a whole "the intercept evidence tells the story of the VRS military participation in the attack on Srebrenica and the events that follow, and forms an important part of the mosaic of evidence to be introduced by the Prosecution."¹⁰

5. The Prosecutor avers that the reliability of the intercepts has been established by witnesses, who worked as intercept supervisors and operators in the ABiH and the SDB during the war at Okresanica and Konjuh. In this regard, the Prosecutor refers to the procedures utilised to monitor, record, transcribe, and transmit to command headquarters VRS communications, which, in her opinion, "ensured maximum accuracy and reliability."¹¹ The Prosecutor argues that the need for accurate intercept transcripts was something that the ABiH was keenly aware of as the intercepted information would frequently impact strategic military decisions.¹² The Prosecutor also stresses that the twenty-three notebooks, in which the initial intercept transcriptions were made by hand, were all

⁷ Oral motion of the Prosecutor, 16 December 2003 at T. 5995.

⁸ In addition, the Defence has had a "running objection" to the admissibility of intercept evidence on the grounds specified in the Objection.

⁹ Motion, para. 3.

¹⁰ *Id.*

¹¹ Motion, paras 4-7.

¹² *Id.*

authenticated by witnesses, who recognised their own handwriting therein and verified that the transcriptions had been done during the relevant time in 1995. With regard to the communications intercepted by the SDB unit at Okresanica, the Prosecutor refers to the document marked P347 for identification purposes, on which witness P118, section chief at the SDB's Okresanica intercept unit, verified twenty-eight conversations that his unit had processed in 1995.¹³

6. As further concerns the reliability of the intercepts, the Prosecutor refers to a project within the Office of the Prosecutor known as "the Intercept Project". This was a project by which the members of the Office of the Prosecutor tested the accuracy and reliability of the intercepts and related materials "through independent corroboration of their contents."¹⁴ In particular, the project examined "the internal consistency between the notebooks and printouts" and also cross-referenced and corroborated the intercepts using material and information obtained from other sources, including "aerial imagery, documents seized or otherwise obtained from the VRS and RS Ministry of Defence and information obtained from UNPROFOR."¹⁵

7. The Prosecutor also makes arguments regarding the chain of custody of the original notebooks and submits that "[t]he 'chain of custody' rule is essentially a variation of the principle that real evidence must be authenticated prior to its admission into evidence."¹⁶ Moreover, it is submitted that according to the Guidelines on the Standards Governing the Admission of Evidence¹⁷ ("Guidelines") "there is no prohibition against admitting the intercepts on the basis that each and every operator has not been called to testify live at trial."¹⁸

8. Lastly, the Prosecutor contends that any considerations of authenticity and reliability of the intercepts should go to the weight and not to the admissibility of the evidence.

B. The Defence's objections

9. The Defence argues that the Prosecutor has failed to "make a *prima facie* showing of reliability."¹⁹ The Defence also argues that instead of submitting the original intercept recordings in the present case, the Prosecutor is "offering hearsay evidence to prove the content of transmissions that were allegedly transcribed by unknown personnel, or by personnel with a history of unreliable transcriptions, on substandard equipment, with little training."²⁰ The Defence's conclusion is

¹³ Motion, para. 12.

¹⁴ Motion, para. 14.

¹⁵ *Id.*

¹⁶ Motion, para. 18.

¹⁷ Guidelines on the Standards Governing the Admission of Evidence, 23 April 2003, with Annex.

¹⁸ Motion, para. 19.

¹⁹ Objection, para. 4.

²⁰ Objection, para. 12.

therefore that it is not possible to test “the accuracy of the recordings, the equipment, the transcriptions or any voice identifications.”²¹ In this context, the Defence claims that “more reliable evidence is available to the prosecution” and that testimony of live witnesses “shows that the JNA, the VRS, IFOR, the HOV and the United States intelligence and surveillance had more sophisticated and effective intelligence equipment than that scavenged by the [ABiH].”²² It is argued that “[t]he Prosecution through simple inquiry could have gathered alternative corroborating evidence that would have assisted in proving the authenticity and reliability of the proffered evidence” and that “[t]he absence of such supporting materials is, in and of itself, suspect.”²³

10. The Defence argues that national jurisdictions have adopted a “strict attitude” towards audio recordings because national courts “realize that tapes can be tampered with.”²⁴ According to the Defence, courts have therefore insisted on “a complete foundation: operator’s qualifications, the equipment’s working condition, custody of the tape and the identification of the speakers on the tape.”²⁵ In his view, it is insufficient for the Prosecutor to base herself on testimonial evidence.²⁶

11. In conclusion, the Defence asserts that a final decision on the “admissibility, reliability and authenticity” of the above materials is premature until “all evidence relating to its reliability and authenticity is finally presented. Borrowing language from Rule 95 of the Rules, the Defence also submits that the evidence should be excluded because the methods used to obtain the evidence cast substantial doubt on its reliability and that the admission of such evidence would be antithetical to a fair determination of the matters before the Trial Chamber and would seriously damage the integrity of the proceedings.

C. The Prosecutor’s Response

12. In brief, the Prosecutor disagrees with the Defence that the “best evidence rule” has not been complied with because the original audio recordings are not available. In her opinion, the best evidence rule as laid down in the Guidelines “does not require the exclusion of evidence as to which better corroborating evidence may or may not exist, or which may, for a variety of reasons, be unavailable.”²⁷ The Prosecutor notes that the Defence’s claim that all the intercepts admitted in

²¹ *Id* and para. 16.

²² Objection, paras 17 and 22.

²³ Objection, para. 22.

²⁴ Objection, para. 18.

²⁵ Objection, para. 23.

²⁶ Objection, para. 24.

²⁷ Response, para. 8.

*Prosecutor v. Radislav Krstić*²⁸ were disclosed in original audio form is not true and states that “of more than 100 intercepts admitted in the *Krstić* trial, only one was available”.²⁹

III. DISCUSSION

A. Applicable legal provisions

13. As a result of the Parties’ submissions in this case, two provisions of the Rules are particularly relevant. The first is Rule 89, which provides in the relevant part:

(B) In cases not otherwise provided for in this Section, a Chamber shall apply rules of evidence which will best favour a fair determination of the matter before it and are consonant with the spirit of the Statute and the general principles of law.

(C) A Chamber may admit any relevant evidence which it deems to have probative value.

(D) A Chamber may exclude evidence if its probative value is substantially outweighed by the need to ensure a fair trial.

The second provision is Rule 95, which reads:

No evidence shall be admissible if obtained by methods which cast substantial doubt on its reliability or if its admission is antithetical to, and would seriously damage, the integrity of the proceedings.

14. The Trial Chamber has adopted Guidelines regulating the admission of evidence. The Trial Chamber reiterates that these Guidelines are “reflective of the jurisprudence of the Tribunal and are in conformity with the Rules of Procedure and Evidence.”³⁰ In the Guidelines, the parties are urged to bear in mind “the distinction between *admissibility* of documentary evidence and the *weight* attributed to admitted documentary evidence under the principle of free evaluation of evidence.”³¹ This means that the fact that a particular piece of evidence has been admitted into evidence does not mean that the information contained therein is necessarily an accurate portrayal of the facts.³²

15. The general rule on admission of evidence is Sub-rule 89 (C). The Trial Chamber notes that the approach adopted clearly is one favouring admission of evidence. The Trial Chamber is of the opinion that, when determining whether to admit evidence, it will have to consider the reliability of

²⁸ *Prosecutor v. Radislav Krstić*, Case No. IT-98-33-T (“*Krstić* trial”).

²⁹ Response, para. 9.

³⁰ See Guidelines.

³¹ Guidelines, Annex, para. 2.

the evidence because if the evidence is not reliable it cannot have either probative value or be relevant to the case.³³ Unreliable evidence will therefore have to be excluded under Sub-rule 89 (C).³⁴ In considering the reliability, the Trial Chamber will examine all indicia thereof. In the case of "statements" in the broad sense of the word, these indicia include aspects such as the truthfulness, voluntariness and trustworthiness of the evidence. A determination of the reliability of a piece of evidence will also consider the circumstances under which the evidence arose and the content of the evidence.³⁵

16. The Trial Chamber will examine the relevance and probative value of the evidence sought admitted. The Trial Chamber notes that according to Sub-rule 89 (D), the evidence may be excluded on balance with the need to ensure a fair trial for the accused even after having been admitted.

17. The two elements of relevance and probative value have a particular relationship. "Probative" evidence is evidence that tends to prove or disprove an issue.³⁶ In the Trial Chamber's opinion, some measure of probative value is therefore implicit in the concept of relevancy. As cited by the Trial Chamber in *Prosecutor v. Duško Tadić*, in order for one fact to be relevant to another:

there must be a connection or nexus between the two which makes it possible to infer the existence of one from the existence of the other. One fact is not relevant to another if it does not have real probative value with respect to the latter.³⁷

18. In this connection, the Parties are reminded that, according to the Guidelines, when objections against evidence are raised on the grounds of authenticity the Trial Chamber:

will follow the practice this Tribunal has previously adopted, namely, to admit documents and video recordings and then decide what weight to give them within the context of the trial record as a whole.³⁸

The Trial Chamber will now turn to examining the evidence tendered in the present case by the Prosecutor in light of the objections by the Defence.

³² Guidelines, Annex, para. 4.

³³ *Prosecutor v. Duško Tadić*, Case No. IT-94-I-T, Decision on Defence Motion on Hearsay, 5 August 1996, para. 9. See also *Prosecutor v. Zejnil Delalić et al.*, Case No. IT-96-21-T, Decision on the Motion of the Prosecution for the Admissibility of Evidence, 19 January 1998, para. 18, upheld by the Appeals Chamber's 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, 4 March 1998, paras 19ff.

³⁴ *Prosecutor v. Duško Tadić*, Case No. IT-94-I-T, Decision on Defence Motion on Hearsay, 5 August 1996, para. 15.

³⁵ *Prosecutor v. Duško Tadić*, Case No. IT-94-I-T, Decision on Defence Motion on Hearsay, 5 August 1996, para. 19.

³⁶ Black's Law Dictionary, 7th Ed. (Minnesota: West Group) 1999.

³⁷ *Prosecutor v. Duško Tadić*, Case No. IT-94-I-T, Decision on Defence Motion on Hearsay, 5 August 1996, para. 8.

³⁸ Guidelines, Annex, para. 5 referring to *Prosecutor v. Zejnil Delalić et al.*, Case No. IT-96-21-T, Decision on the Motion of the Prosecution for the Admissibility of Evidence, 19 January 1998; *Prosecutor v. Dario Kordić and Mario Čerkez*, Decision on Appeal Regarding Statement of a Deceased Witness, Case No. IT-95-14/2-AR73.5, 21 July 2000; *Prosecutor v. Tihomir Blaškić*, Case No. IT-95-14-T, Decision on the Defence Motion for Reconsideration of the Ruling to Exclude from Evidence Authentic and Exculpatory Documentary Evidence, 30 January 1998.

B. Admission into evidence in the present case

19. The Trial Chamber is of the opinion that the materials at issue as listed above are all relevant to the present case in the meaning of Sub-rule 89 (C). The materials relate directly in time and in place to the events that the Indictment alleges unfolded in the Bratunac and Zvornik municipalities at the relevant time in 1995. The materials also concern alleged communications between units within the VRS chain of command. The materials therefore satisfy the requirement of relevancy.

20. As to the reliability and probative value of the materials, the Trial Chamber will now examine each type of evidence offered separately.

1. The intercepts

21. The Defence is objecting that the intercepts are unreliable and lacking in authenticity. The Trial Chamber has heard the testimony of six intercept supervisors and intercept operators, who served in the intercept units of the 2nd Corps of the ABiH, 21st Division of the ABiH, or the SDB at Okresanica and Konjuh.³⁹ In addition, the transcript of the testimony in the *Krstić* trial of three intercept operators from these units have been admitted under Rule 92 *bis* (D).⁴⁰ The Trial Chamber notes that these witnesses give virtually identical descriptions of the procedures for monitoring, intercepting, transcribing and processing intercepted VRS communications.⁴¹ The procedures thus described show that the intercept units took their task seriously and were aware of the necessity for correct transcriptions of the intercepted communications. It is incorrect to submit, as the Defence does, that the intercepts were “allegedly transcribed by unknown personnel”.

22. The Trial Chamber has noted that the intercept supervisors and operators had different backgrounds and varying levels of training. Some intercept operators show a long-standing interest in amateur radio and have a solid technical education.⁴² Many intercept operators have obtained civilian and military professional levels of radio certification or have experience as army signalmen.⁴³ The Trial Chamber notes that the intercept operator with the shortest interception experience still served seven-day shifts from March 1995 through the period relevant for the present case.⁴⁴ Five witnesses served as fulltime intercept operators between two and three and a half

³⁹ Witnesses P117, P118, P120, P121, P124, and P127.

⁴⁰ Witnesses P123, P125 and P126, Decision on Prosecutor's Requests for Admission of Witnesses and Exhibits pursuant to Rule 92 *bis* (D), 17 December 2003.

⁴¹ Witnesses P118, P117, P120, P121, P124, P128 testified live and P123, P125, P126 were admitted under Rule 92 *bis* (D).

⁴² Witnesses P118 (T. 3939-40), P117 (T. 3706-09), P121 (T. 4133), P126 (transcript page in the *Krstić* trial (“KT.”) 8800), and P128 (T. 4196).

⁴³ Witnesses P117 (T. 3707), P121 (T. 4133), P123 (KT. 4208), P124 (T. 4028), P126 (KT. 8800), and P128 (T. 4196).

⁴⁴ Witness P125 (KT. 4691).

years.⁴⁵ The remaining two witnesses served as intercept operators from August and December 1994, respectively through the period relevant to the present case.⁴⁶

23. The Trial Chamber has difficulties finding support in the evidence for the Defence's contention that some of the intercept operators had a "history of unreliable transcriptions". The evidence does indicate that due to the nature of the electromagnetic spectrum and the geography of the zone which the intercept units covered, it was not always possible to hear entire conversations or hear all participants in a conversation. However, the evidence also clearly shows that the intercept operators at Okresanica and Konjuh, with the assistance of their colleagues, would re-listen to recorded communications until unclear portions of the recordings could be deciphered. If the unclear parts remained unintelligible, the operators would indicate this in the transcripts by inserting three dots.⁴⁷ Thus, while the Trial Chamber acknowledges that there are intercepts which do not reflect all that was said in a particular conversation, it cannot agree with the Defence that this indicates a "history of unreliable transcriptions" on the part of the intercept operators. Quite the opposite; the procedures employed indicate an awareness among the intercept operators that accuracy of what was being said was critically important and that speculation would not be accepted.⁴⁸

24. The Trial Chamber has been furnished evidence of the "intercept project" within the Office of the Prosecutor, led by witness Stephanie Frease.⁴⁹ This project focused on the collection and analysis of intercept-related materials.⁵⁰ The intercept project worked to establish the reliability of the intercepts by cross-referencing them and by examining the internal consistency between the handwritten notebooks and the computer printouts resulting from when the intercepts were forwarded by the intercepting unit to its superior command.⁵¹ The project also sought to corroborate the content of the intercepts by cross-referencing with other documents, such as orders and reports seized from the VRS, from the Republika Srpska Ministry of Defence, or documents, including aerial imagery, emanating from UNPROFOR.⁵² One particular aspect that reinforced the opinion that the intercepts are reliable was the fact that several communications had been intercepted with

⁴⁵ P117 (T. 3712), P121 (T. 4134), P124 (T. 4031), P126 (KT. 8800), P128 (T. 4196-97).

⁴⁶ Witnesses P120 (T. 4072-73) and P118 (T. 3941).

⁴⁷ P118 (T. 3973), P117 (T. 3729-30), P123 (KT. 4211), P125 (KT. 4694).

⁴⁸ See for instance witnesses P118 (T. 3953 and 3983), P117 (T. 3729-30), P123 (KT. 4243), P124 (T. 4044 and 4057), and P125 (KT. 4700).

⁴⁹ Admitted under Rule 92 bis,

⁵⁰ Stephanie Frease, KT. 8926.

⁵¹ Stephanie Frease, KT. 8928.

⁵² Stephanie Frease, KT. 8931-32.

only slight variations by units located at both Okresanica and Konjuh.⁵³ In the words of witness Frease, the result of the intercept project was that the intercepts are “absolutely reliable”.⁵⁴

25. The Defence further objected that the Prosecutor should have submitted the original audio recordings, which he claims are at the disposal of the Prosecutor, in order to prove the reliability and authenticity of the intercepts. He also argues that courts in many domestic jurisdictions view tape recordings with scepticism because they can be tampered with.⁵⁵ The Trial Chamber notes that neither party is under an obligation under the Rules to tender perfect evidence. Rather, as specified in the Guidelines, “[t]he ‘best evidence rule’ will be applied” which means that “the Trial Chamber will rely on the best evidence available in the circumstances and the parties are directed to regulate the production of their evidence along these lines.”⁵⁶ The Trial Chamber further notes in the Guidelines the opinion expressed in the jurisprudence that “[t]he threshold standard for the admission of evidence [...] should not be set excessively high, as often documents are sought to be admitted into evidence, not as ultimate proof of guilt or innocence, but to provide a context and complete the picture presented by the evidence in general.”⁵⁷ Thus, while certain national jurisdictions might be sceptical about the reliability of tape recorded material, the provisions of this Tribunal governing the admission into evidence, as interpreted in the Guidelines, are more generous. Therefore, in the present case and bearing in mind the testimonial evidence and the very large amount of documentary evidence, the Trial Chamber cannot find that it is necessary to have access to the original audio recordings of the intercepts. In this context, the Trial Chamber notes that the Defence’s contention that the intercept operators, who testified live at trial, could not identify his voice “from continuous eavesdropping” is not relevant for the present Motions.⁵⁸

26. The Trial Chamber considers that for the reasons stated above, in particular the level of detail, the internal consistency of the intercepts, as well as the methods employed to intercept VRS the communications, the intercepts are *prima facie* reliable and have probative value under the Rules. The Trial Chamber therefore does not find it necessary to consider the Defence’s objection that the intercepts were obtained by methods which cast substantial doubt on their reliability.

⁵³ Stephanie Frease, KT. 8930.

⁵⁴ Stephanie Frease, KT. 8939.

⁵⁵ Objection, paras 17 and 22.

⁵⁶ Guidelines, Annex, para. 8.

⁵⁷ *Prosecutor v. Zejnir Delalić et. al.*, Case No. IT-96-21-T, Decision on the Motion of the Prosecution for the Admissibility of Evidence, 19 January 1998, para. 20.

⁵⁸ Objection, para. 15, and Reply, para. 6. C.

2. The handwritten intercept notebooks

27. The Prosecutor seeks to have the handwritten notebooks in which intercepts were transcribed by the intercept operators. The Trial Chamber notes that these notebooks have not been translated into English. While, as noted earlier, the Trial Chamber considers these notebooks to be relevant for the present case, it does not believe that they have probative value in their present untranslated state. The Trial Chamber furthermore notes that the Prosecutor has tendered in translated form those intercepts which she considers relevant for her case.

3. The annotated index of intercepts processed by the SDB

28. The Prosecutor seeks the admission into evidence of the index of intercepts, annotated and testified to by witness P118.⁵⁹ The Trial Chamber notes that the index concerns the above intercepts and that it is relevant to the present case. The Trial Chamber does not see any reasons to doubt the reliability of this exhibit and finds that the index assists the Trial Chamber in establishing the reliability of the communications intercepted by the SDB.

4. The handwritten intercept notebook and the handwritten intercept transcripts

29. Lastly, the Prosecutor seeks admission into evidence of the handwritten intercept notebook from the ABiH intercept unit at Dekić and the handwritten intercept transcripts from the ABiH intercept unit at Gradina. The Trial Chamber is satisfied that the methods employed by the intercept operators to intercept the communications, particularly bearing in mind the "tactical" character of the intercepts and the experience of the intercept operators, were sufficient to produce reliable transcripts. The Trial Chamber notes however that the intercept transcripts contained in these exhibits have only been translated, in the case of exhibit P121B, for the days of 11-20 July 1995 and, in the case of exhibit P122B, for the days 6-7, 11-12, 17-21 July 1995. The Trial Chamber is therefore of the opinion that only these parts are relevant to and have probative value for the present case.

IV. DISPOSITION

30. For the foregoing reasons, the Trial Chamber:

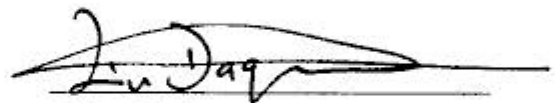
- 4) grants Motion in so far as it requests the admission into evidence of the intercepts, marked P170 through P317, and the annotated index of intercepts, marked P347, and awards them the corresponding exhibit number,

⁵⁹ P118 (T. 3960 ff).

- 5) grants the Oral Motion in so far as it requests the admission into evidence of the translated parts of exhibits P121B and P122B, and awards these parts the corresponding exhibits number, and
- 6) rejects the Motion in so far as it requests the admission into evidence of the handwritten intercept notebooks, and rejects the Oral Motion in so far as it requests the admission into evidence of the untranslated parts of exhibits P121B and P122.

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

Dated this eighteenth day of December 2003,
At The Hague
The Netherlands

A handwritten signature in black ink, appearing to read 'Liu Daqun', written over a horizontal line.

Judge Liu Daqun
Presiding

[Seal of the Tribunal]