



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-02-54-T  
Date: 19 July 2004  
Original: ENGLISH

**IN TRIAL CHAMBER III**

**Before:** Judge Patrick Robinson, Presiding  
Judge O-Gon Kwon  
Judge Iain Bonomy

**Registrar:** Mr. Hans Holthuis

**Decision:** 19 July 2004

**PROSECUTOR**

v.

**SLOBODAN MILOŠEVIĆ**

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**FINAL DECISION ON ADMISSIBILITY OF  
INTERCEPTED COMMUNICATIONS TENDERED THROUGH  
WITNESS HRVOJE ŠARINIĆ**

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**The Office of the Prosecutor:**

Ms. Carla Del Ponte  
Mr. Geoffrey Nice  
Mr. Dermot Groome  
Ms. Hildegard Uertz-Retzlaff

**Amici Curiae:**

Mr. Steven Kay, QC  
Prof. Timothy L.H. McCormack  
Ms. Gillian Higgins

**The Accused:**

Mr. Slobodan Milošević

**THIS 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 (“International Tribunal”),

**NOTING** the following:

- (1) the testimony of Witness Hrvoje Šarinić before the Trial Chamber on 21-22 January 2004, during which certain intercepted communications (“intercepts”) were tendered as evidence;
- (2) “Decision on Notification of the Completion of Prosecution Case and Motion for the Admission of Evidence in Written Form”, issued 25 February 2004, confirming that certain intercepts had been authenticated by the witness; and
- (3) “Order on Prosecution Request for Clarification of Trial Chamber’s ‘Decision on Notification of the Completion of the Prosecution Case and Motion for the Admission of Evidence in Written Form’ dated 25 February 2004”, issued 11 March 2004, holding that exhibit 641, tabs 9, 14, 16, and 19 (“Šarinić intercepts”) were admissible in accordance with the Trial Chamber’s “Preliminary Decision on the Admissibility of Intercepted Communications”, issued 16 December 2003, and admitting these intercepts into evidence on a *prima facie* basis subject to a determination as to their reliability,


**CONSIDERING** the “Final Decision on the Admissibility of Intercepted Communications”, issued 14 June 2004, in particular the report of experts J.P. French and Associates regarding the authenticity of certain intercepts submitted by the Prosecution,

**CONSIDERING** that the Šarinić intercepts are relevant,

**PURSUANT** to Rules 54, 89, and 95 of the Rules of Procedure and Evidence of the International Tribunal,

**HEREBY ADMITS INTO EVIDENCE** the Šarinić intercepts.

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



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Judge Robinson  
Presiding

Dated this nineteenth day of July 2004  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**