



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-02-54-T  
Date: 8 July 2005  
Original: ENGLISH

**IN THE TRIAL CHAMBER**

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

**Registrar:** Mr. Hans Holthuis

**Decision:** 8 July 2005

**PROSECUTOR**

v.

**SLOBODAN MILOŠEVIĆ**

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**DECISION ON ADMISSION OF DOCUMENTS IN  
CONNECTION WITH TESTIMONY OF  
DEFENCE WITNESS OBRAD STEVANOVIĆ**

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**Office of the Prosecutor:**

Ms. Carla Del Ponte  
Mr. Geoffrey Nice

**The Accused:**

Mr. Slobodan Milošević

**Court Assigned Counsel:**

Mr. Steven Kay, QC  
Ms. Gillian Higgins

**Amicus Curiae:**

Prof. Timothy McCormack

**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 (“Tribunal”),

**NOTING** that Defence witness Obrad Stevanović (“witness”) testified before the Trial Chamber on 11, 17-19, 25-27, and 31 May and 1-2, 6-8, and 15 June 2005 and that several documents were tendered as evidence by the Accused during the witness’ examination-in-chief and by the Prosecution during cross-examination (“tendered documents”),

**NOTING** the Trial Chamber’s oral Order on 7 June 2005, directing the parties to make written submissions regarding the admissibility of the tendered documents,<sup>1</sup>

**NOTING** that the Accused, Assigned Counsel, and the Prosecution have made the following written submissions regarding admission into evidence of the tendered documents, of which the Trial Chamber is seised:

- (1) the Accused’s “Explanation of the Relevance and Purpose of Introducing Defence Exhibits Through Defence Witness Obrad Stevanović”, filed by the *Pro Se* Liaison Officer on 22 June 2005, requesting the admission of documents tendered as evidence in connection with the testimony of the witness and setting forth arguments in support of their admission into evidence;
- (2) “Assigned Counsel Submissions on the Admissibility of Potential Defence and Prosecution Exhibits Concerning General Obrad Stevanovic Pursuant to the Trial Chamber’s Oral Order of 7 June 2005”, filed 13 June 2005, requesting leave to exceed the page limit and making submissions regarding admission of the tendered documents; and
- (3) “Prosecution Submissions on the Admissibility of Potential Defence and Prosecution Exhibits Concerning General Obrad Stevanovic Pursuant to the Trial Chamber’s Oral Order of 7 June 2005”, filed 16 June 2005, making submissions regarding admission of the tendered documents,

**CONSIDERING** that, where a document was withdrawn, already admitted, or not tendered, it has been denied admission in the Order below,

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<sup>1</sup> T. 40645-40646 (7 June 2005).

**CONSIDERING** that the general practice of the Trial Chamber has been to deny admission of a document that was not referred to by the examining party, unless admission was not objected to by the opposing party,

**CONSIDERING** that the Trial Chamber has reviewed all the arguments of the parties and assessed the contents of each document under the standards set forth in Rule 89 and the jurisprudence of the Tribunal, and has also considered, *inter alia*, whether a document in B/C/S has been translated into English and whether any party has objected to admission of the document,

**CONSIDERING** that the general practice of the Trial Chamber has been to deny admission of a document put to a witness during cross-examination where the witness did not adopt, rejected outright, or was not in a position to say anything meaningful about the document (or an assertion based thereon), on the basis that such a document lacks probative value,<sup>2</sup>

**CONSIDERING** in particular the following:

- (1) the Prosecution has not sought admission into evidence of the video played during the hearing on 1 June 2005;
- (2) materials tendered through Defence witness Dragan Jasović that were also tendered through Defence witness Obrad Stevanović will be dealt with in a decision of the Trial Chamber pertaining to the former;
- (3) materials tendered through Defence witness Radovan Paponjak that were also tendered through Defence witness Obrad Stevanović have already been dealt with in connection with the testimony of the former; and
- (4) exhibit D299, tab 449 was already tendered as evidence, provided by the Defence, and marked for identification as exhibit D275, tabs 28-34,

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

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<sup>2</sup> See Decision on Prosecution Motion for Reconsideration Regarding Evidence of Defence Witnesses Mitar Balević, Vladislav Jovanović, Vukašin Andrić, and Dobre Aleksovski and Decision Proprio Motu Reconsidering Admission of Exhibits 837 and 838 Regarding Evidence of Defence Witness Barry Lituchy, issued 18 May 2005, para. 9.

**HEREBY ORDERS** as follows:

- (1) The following documents tendered as evidence by the Accused are **GRANTED** admission into evidence: exhibit D299, tabs 4, 7, 8, 9, 11, 13, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 53, 55, 56, 58, 59, 60, 61, 62, 65, 65.1, 67, 68, 69, 70, 71, 72, 73, 81, 82, 83, 84, 85, 86, 86.1, 87, 88, 95, 108, 124, 125, 127, 128, 129, 130, 131, 133, 134, 138, 142, 143, 145, 146, 147, 148, 149, 151, 158, 159, 161, 162, 163, 164, 166, 168, 170, 172, 174, 177 (under seal), 202, 203, 204, 207, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 274, 275, 277, 394, 395, 396, 397, 400, 404, 405, 406, 407, 408, 413, 414, 415, 416, 418, 419, 421, 422, 423, 440, and 449 (as exhibit D275, tabs 28-34).
- (2) The Defence shall, within two weeks from the date of this Decision, produce the B/C/S version of exhibit D299, tabs 18 and 148, at which time they shall be deemed admitted into evidence. In the event that the Accused does not provide such documents, tabs 18 and 148 shall be denied admission into evidence, and the Registry shall remove them from the record of the proceedings.
- (3) The following documents tendered as evidence by the Accused are **MARKED FOR IDENTIFICATION**, pending translation and further Order: exhibit D299, tabs 1, 3, 5, 6, 10, 126, 135, 135.1, 136, 136.1, 137, 141, 144, 152, 160, 165, 167, 171, 173, 176, 178 (under seal), 179 (under seal), 180 (under seal), 181 (under seal), 182 (under seal), 183 (under seal), 184 (under seal), 185 (under seal), 186 (under seal), 187 (under seal), 188 (under seal), 189 (under seal), 190 (under seal), 192 (under seal), 193 (under seal), 194 (under seal), 206, 208, 209, 210, 273, 278, 279, 280, 281, 282, 283, 284, 285, 286, 288, 289, 290, 291, 292, 293, 294, 295, 398, 399, 410, 411, 412, 420, 424, 425, 426, 427, 428, 429, 430, 431, 432, and 433.

- (4) The following documents tendered as evidence by the Accused are **DENIED** admission into evidence: exhibit D299, tabs 2, 12, 14, 15, 23, 36, 37, 38, 39.1, 52, 54, 57, 63, 64, 64.1, 66, 74, 75, 76, 77, 77.1, 78, 78.1, 79, 79.1, 80, 89, 90, 91, 92, 93, 94, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 132, 139, 140, 146.1, 150, 153, 154, 155, 156, 157, 169, 175, 191, 195, 196, 197, 198, 199, 200, 201, 203.1, 205, 276, 287, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 401, 402, 403, 409, 417, 434, 435, 436, 437, 438, 439, 441, 442, 443, 444, 445, 446, 447, and 448.
- (5) The following documents tendered as evidence by the Prosecution are **GRANTED** admission into evidence:<sup>3</sup>
- a. document number **2** (two video clips from the Badža Funeral);
  - b. document number **6** (administration of the RSK MUP Special Units to MUP Serbia by Boško Dražić);
  - c. document number **10** (RS Minister of Interior letter from Kovač to Karadžić stating that 1,586 conscripts from Serbia were handed over to VRS by Serbian MUP);
  - d. document number **21** (report on the NATO Air Force attack on the PCI (Dubrava Prison), by Aleksandar Rakočević, Warden);
  - e. document number **22** (report by Aleksandar Rakočević, Warden of Dubrava Prison, to Investigating Judge Vladan Bojić, District Court, Peć);
  - f. document number **30** (video clip of Mladić, Stevanović, and DutchBat); and
  - g. document number **32** (report on engagement of the reserve formations for the need of SAJ, signed by Commander Colonel Zivko Trajković and sent to the Assistant Minister of the Public Service Directorate Colonel-General Vlastimir Đorđević).

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<sup>3</sup> The document numbers correspond to the order in which they were set forth in the submissions of the Prosecution and Assigned Counsel.

- (6) The following documents tendered as evidence by the Prosecution are **DENIED** admission into evidence: 1, 3, 4, 5, 7, 8, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 23, 24, 25, 26, 27, 28, 29, and 31.
- (7) The Assigned Counsel's request to exceed the page limit is **GRANTED**.

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



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Judge Robinson  
Presiding

Dated this eighth day of July 2005  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**