



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-95-13/1-T  
Date: 13 July 2006  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Kevin Parker, Presiding  
Judge Christine Van Den Wyngaert  
Judge Krister Thelin  
**Registrar:** Mr Hans Holthuis  
**Decision:** 13 July 2006

**PROSECUTOR**

v.

**MILE MRKŠIĆ  
MIROSLAV RADIĆ  
VESELIN ŠLJIVANČANIN**

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**DECISION ON PROSECUTION MOTION  
FOR ADMISSION OF DOCUMENTS**

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**The Office of the Prosecutor:**

Mr Marks Moore  
Mr Philip Weiner  
Ms Meritxell Regue  
Mr Alexis Demirdjian

**Counsel for the Accused:**

Mr Miroslav Vasić and Mr Vladimir Domazet for Mile Mrkšić  
Mr Borivoje Borović and Ms Mira Tapušковиć for Miroslav Radić  
Mr Novak Lukić and Mr Momčilo Bulatović for Veselin Šljivančanin

**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 “Prosecution Motion for Admission Documents” filed on 14 June 2006 (“Motion”), seeking the admission, pursuant to Rules 54 and 89(C) of the Rules of Procedure and Evidence (“Rules”), of a large number of documents set out in Annex to the Motion, which are referred to in the expert report of Mr Theunens (“proposed documents”);<sup>1</sup>

**NOTING** that on 21 June 2006, objections were raised orally by the Defence in relation to six specified documents and to all newspaper articles proposed for admission;<sup>2</sup>

**NOTING** the “Prosecution Response to Defence Objection to the Admission of Documents”, filed on 23 June 2006;

**CONSIDERING** that a Chamber may admit any relevant evidence which it deems to have probative value, including hearsay evidence;

**CONSIDERING** that in the view of the Chamber, five of the six documents which have been specifically identified as disputed (65*ter* numbers 426, 427, 468, 528 and 612) only bear, at best, very remote relevance to issues material to this case, and their source or nature are not such as to give them any obvious probative value. In each case, the documents are used merely as a point of reference in the expert report of Mr Theunens, in which they are noted by way of footnote. They will not be admitted;

**CONSIDERING** that in relation to the military expert opinion given by Dr Radon Radinović in another case before the Tribunal (65*ter* number 485), it is noted that the Prosecution now only seeks to tender four pages from the opinion and that while these four pages may have some relevance in this case, the views are extremely generally expressed and are not specifically related to the military organisation at the time and place in issue in this case, and while referenced in footnotes in his report, Mr Theunens does not, in his evidence, specifically adopt the opinion of Dr Radinović. The report or the portions identified (ERN 1108-1111) will therefore not be admitted;

**CONSIDERING** that the Chamber does not find the newspaper articles the Prosecution seeks to tender to have sufficient probative value so as to warrant their admission;

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<sup>1</sup> The Chamber notes that at present, it is only seized of the Motion insofar as it relates to documents referred to in the expert report of Mr Theunens but not discussed during his evidence (*i.e.* third table of the Annex).

<sup>2</sup> T 10914-10922.

**FOR THE FOREGOING REASONS,**

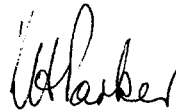
**PURSUANT TO** Rules 54 and 89 of the Rules,

**DECIDES** as follows:

- (1) The documents identified by the *65ter* numbers 426, 427, 468, 485, 528 and 612 as well as all the proposed newspaper articles will be marked for identification.
- (2) The remainder of the documents proposed in Annex to the Motion for which no objection was raised will be admitted into evidence.

**REQUESTS** the Registry to assign an exhibit number to the received documents and inform the Chamber and the parties in writing as soon as practicable.

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



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Judge Parker  
Presiding

Dated this thirteenth day of July 2006  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**