



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-R77.5

Date: 30 June 2009

Original: English

IN A SPECIALLY APPOINTED CHAMBER

Before: Judge Bakone Justice Moloto, Presiding
Judge Mehmet Güney
Judge Liu Daqun

Registrar: Mr. John Hocking

Decision of: 30 June 2009

IN THE CASE

AGAINST

FLORENCE HARTMANN

PUBLIC

**DECISION ON DEFENCE MOTION FOR
ADMISSION OF EXHIBITS FROM THE BAR TABLE**

Amicus Curiae Prosecutor

Mr. Bruce MacFarlane, QC

Counsel for the Accused

Mr. Karim A. A. Khan, Counsel
Mr. Guénaél Mettraux, Co-Counsel

THE SPECIALLY APPOINTED CHAMBER (“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”);

BEING SEISED OF the “Defence Motion for Admission of Exhibits from the Bar Table”, filed publicly by the Defence on 29 June 2009 (“Motion”), wherein the Defence offers 65 documents for admission into evidence in the instant proceedings;¹

NOTING that, according to the Defence, all 65 documents meet the requirements for admission and for most documents, an evidentiary foundation through other witnesses and/or documents has been laid;²

NOTING that the Prosecution did not file a response to the Motion and does not object to their admission;³

NOTING that Rule 89 (C) of the Tribunal’s Rules of Procedure and Evidence (“Rules”) provides that “[a] Chamber may admit any relevant evidence which it deems to have probative value”;

CONSIDERING that the admission of evidence from the bar table is generally permitted by the jurisprudence of the Tribunal;⁴

FINDING that the documents listed in Annex A to the Motion fulfil the requirements of Rule 89 (C) of the Rules;

FOR THE FOREGOING REASONS and pursuant to Rules 54, 77 and 89 of the Rules

GRANTS the Motion and

ADMITS into evidence the documents listed in Annex A to the Motion; and

INSTRUCTS the Registry to

- a) assign exhibit numbers to the admitted documents as well as
- b) designate documents 43, 44, 48 and 55 as being under seal.

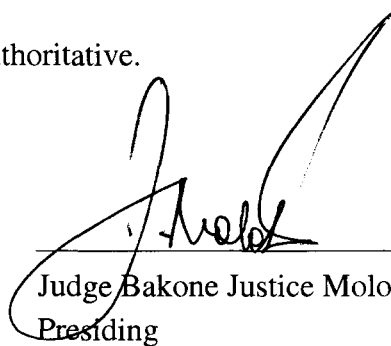
¹ Annex A to the Motion.

² Motion, paras 4, 5.

³ Motion, para. 5. *See also* T. 379.

⁴ *Prosecutor v. Milutinović et al*, Case No. IT-05-87-T, Decision on Prosecution Motion to Admit Documentary Evidence, 10 October 2006; *Prosecutor v. Delić*, Case No. IT-04-83-T, Decision on Prosecution Submission on the Admission of Documentary Evidence, 16 January 2008.

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



Judge Bakone Justice Moloto
Presiding

Dated this thirtieth day of June 2009

At The Hague

The Netherlands

[Seal of the Tribunal]