

**UNITED
NATIONS**



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-03-67-R77.3

Date: 16 August 2011

Original: English

IN TRIAL CHAMBER II

Before: Judge O-Gon Kwon, Presiding
Judge Burton Hall
Judge Howard Morrison

Registrar: Mr. John Hocking

Order: 16 August 2011

PROSECUTOR

V.

VOJISLAV ŠEŠELJ

PUBLIC

**ORDER ON THE ADMISSION OF DEFENCE EXHIBITS
MARKED FOR IDENTIFICATION**

Amicus Curiae Prosecutor:
Mr. Bruce A. MacFarlane, Q.C.

The Accused:
Mr. Vojislav Šešelj

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 during the course of the defence case, the Accused tendered three documents into evidence which were marked for identification, namely D2, D3,¹ and D4;²

NOTING that the documents which were marked for identification as D2 and D3 were previously admitted pursuant to the Chamber’s oral decision on the “Prosecution Motion for Admission of Evidence from the Bar Table” filed by the *Amicus Curiae* Prosecutor as Exhibits P55K and P55L, respectively;³

NOTING that MFI D4 consists of three delivery notes of the printed press to the Serb Radical Party establishing that the book which is the subject of these proceedings was published in September 2008;

CONSIDERING that evidence may be admitted if it is considered to fulfil the requirements of Rule 89 of the Rules of Procedure and Evidence of the Tribunal (“Rules”) that it be relevant, of probative value, and bear sufficient indicia of authenticity;

CONSIDERING that the date of publication of the book which is the subject of these proceedings is not challenged,⁴ and therefore that it is not necessary to admit MFI D4 into evidence for the sole purpose of establishing when the Book was published;

PURSUANT TO Rules 54 and 89(C) of the Rules;

HEREBY DECLARES

- i) the Accused’s request to admit MFI D2 and D3 as moot; and
- ii) MFI D4 as not admitted into evidence.

¹ T. 207 (6 June 2011).

² T. 257 (7 June 2011).

³ T. 65 (22 February 2011). The Chamber notes that although the Registrar referred to P55J when marking D2 for identification, the correct number should have been P55K. *Ibid.*

⁴ T. 257 (7 June 2011).

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



Judge O-Gon Kwon
Presiding

Dated this 16th day of August 2011
At The Hague
The Netherlands

[Seal of the Tribunal]