



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-95-5/18-T

Date: 15 May 2013

Original: English

IN THE TRIAL CHAMBER

Before: Judge O-Gon Kwon, Presiding Judge
Judge Howard Morrison
Judge Melville Baird
Judge Flavia Lattanzi, Reserve Judge

Registrar: Mr. John Hocking

Decision of: 15 May 2013

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**DECISION ON ACCUSED'S MOTION FOR ADMISSION OF DOCUMENTS
PREVIOUSLY MARKED FOR IDENTIFICATION**

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused

Mr. Radovan Karadžić

Standby Counsel

Mr. Richard Harvey

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 (“Trial Chamber”) is seised of the Accused’s “Motion to Admit Documents Previously Marked for Identification,” filed on 29 April 2013 (“Motion”), and hereby issues its decision thereon.

1. In the Motion, the Accused requests that the Chamber admit into evidence eight documents previously marked for identification (“MFI”)—MFI D2554, D2960, D3233, D3383, D3414, D3463, D3476, and D3482—as their English translations have now been uploaded into e-court.¹

2. In the “Prosecution Response to Motion to Admit Documents Previously Marked for Identification”, filed on 7 May 2013 (“Response”), the Office of the Prosecutor (“Prosecution”) submits that it does not object to the admission of seven of the documents.² However, the Prosecution objects to the admission of one of the documents—MFI D3482—as the English translation is not available in e-court, and requests the Chamber to deny admission of this document at this stage.³ Moreover, the Prosecution notes that the Accused has filed four motions to admit documents previously marked for identification in a period of five weeks, and reiterates its suggestion⁴ that the Accused should file such motions in a more consolidated manner in order to save time and resources for the Chamber and the parties.⁵

3. The Chamber recalls the “Order on the Procedure for the Conduct of the Trial”, issued on 8 October 2009 (“Order on Procedure”), in which it stated, *inter alia*, that any item marked for identification in the course of the proceedings, either because there is no English translation or for any other reason, will not be admitted into evidence until such time as an order to that effect is issued by the Chamber.⁶

4. The Chamber first notes that it has already admitted the document previously marked for identification as MFI D2960 in its “Decision on Accused’s Motions for Admission of Items Previously Marked for Identification”, issued on 9 May 2013 (“9 May Decision”).⁷ Therefore, the Chamber considers the Accused’s request in the Motion to admit this document moot.

¹ Motion, para. 1.

² Response, para. 3.

³ Response, paras. 4–5.

⁴ See Prosecution Response to Motion to Admit Documents Previously Marked for Identification, 10 April 2013, para. 2.

⁵ Response, para. 2.

⁶ Order on the Procedure for the Conduct of the Trial, 8 October 2009, Appendix A, paras. O, Q.

⁷ See 9 May Decision, paras. 15, 17(a).

Second, the Chamber notes that an English translation for MFI D3482 has now been uploaded into e-court, following the filing of the Response. Therefore, on the basis of the information provided by the Accused in the Motion, and having reviewed the documents, along with their proposed translations and the relevant transcripts, the Chamber is satisfied that the following seven documents should now be marked as admitted: MFI D2554, D3233, D3383, D3414, D3463, D3476, and D3482.

5. In relation to the Prosecution's reiterated suggestion that the Chamber instruct the Accused to file motions to admit MFI documents in a "more consolidated manner",⁸ the Chamber recalls its 9 May Decision in this regard and again urges the Accused to file such motions on a reasonable basis in order to save time and resources for the Chamber and the parties.⁹

Disposition

6. Accordingly, for the reasons outlined above and pursuant to Rule 89 of the Tribunal's Rules of Procedure and Evidence, the Chamber hereby **GRANTS** the Motion and **ADMITS** into evidence the documents currently marked for identification as: D2554, D3233, D3383, D3414, D3463, D3476, and D3482.

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



Judge O-Gon Kwon
Presiding

Dated this fifteenth day of May 2013
At The Hague
The Netherlands

[Seal of the Tribunal]

⁸ See Response, para. 2.

⁹ See 9 May Decision, para. 16.