



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-04-83-PT

Date: 15 June 2007

Original: English

IN TRIAL CHAMBER I

Before: Judge Bakone Justice Moloto, Presiding
Judge Krister Thelin
Judge Janet Nosworthy

Registrar: Mr. Hans Holthuis

Decision of: 15 June 2007

PROSECUTOR

v.

RASIM DELIĆ

PUBLIC

**DECISION ON JOINT MOTION FOR PRE-TRIAL
ADMISSION OF "LAW LIBRARY" DOCUMENTS**

The Office of the Prosecutor:

Mr. Daryl A. Mundis

Counsel for the Accused:

Ms. Vasvija Vidović
Mr. Nicholas David Robson

TRIAL CHAMBER I (“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”);

BEING SEISED of the “Joint Motion for the Pre-Trial Admission of ‘Law Library’ Documents”, filed by the Prosecution and the Defence on 22 May 2007 (“Motion”), seeking the admission into evidence of 48 “basic legal and regulatory documents, such as the relevant laws, legal codes and military rules and regulations” listed in an annex to the Motion (“Documents”);¹

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

CONSIDERING that the relevance and the probative value of a document may, in some circumstances, be sufficiently apparent *prima facie* to justify its admission into evidence without the need for further evidence in this respect, such as witness testimony;²

CONSIDERING that a decision by a Chamber to admit a document into evidence is not a final decision of the Chamber concerning the ultimate relevance and probative value of the document, and that this may be reassessed in light of the trial record as a whole when the Chamber is reaching its final judgement in the trial;³

CONSIDERING that it is the duty of the pre-trial Judge and the Trial Chamber seised of the case at the pre-trial stage to take any measure necessary to prepare the case for a fair and expeditious trial;⁴

NOTING that the majority of Documents are laws of the Republic of Bosnia and Herzegovina, such as the Constitution, the Criminal Code, the Decree Law on Armed Forces and the Decree Law on Defence, and that among the Documents are also the Criminal Code of the Socialist Federal Republic of Yugoslavia, decisions of the Presidency of the Republic of Bosnia and Herzegovina and the Dayton Agreement;

¹ On 10 May 2007, the Prosecution filed the “Prosecution Motion for the Pre-Trial Admission of ‘Law Library’ Documents”, requesting the same and noting that the Defence is in agreement on this matter. At the Status Conference on 21 May 2007, the Trial Chamber ordered the parties to jointly re-file the motion signed by both parties and to file the Documents themselves, Status Conference, 21 May 2007, T. 145-147, 149. The Documents were filed on 1 June 2007 in compliance with the Trial Chamber’s order.

² *Prosecutor v. Ljube Boškoski and Johan Tarčulovski*, Case No. IT-04-82-T, Decision on Prosecution’s Motion for Admission of Exhibits from the Bar Table with Confidential Annexes A to E, 14 May 2007 (“*Boškoski and Tarčulovski* Decision”), para. 13. See also *Prosecutor v. Sefer Halilović*, Case No. IT-01-48-AR73.2, Decision on Interlocutory Appeal Concerning Admission of Record of Interview of the Accused from the Bar Table, 19 Aug 2005, paras 16-17.

³ *Boškoski and Tarčulovski* Decision, para. 14. See also *Prosecutor v. Milan Martić*, Case No. IT-95-11-T, Decision Adopting Guidelines on the Standards Governing the Admission of Evidence, 19 Jan 2006, Annex A, para. 4.

⁴ Rule 65 *ter* (B) and (M) of the Rules.

CONSIDERING that both the Prosecution and the Defence agree to the admission into evidence of the Documents;

CONSIDERING that the admission into evidence of the Documents at this stage of the proceedings expedites the trial proceedings without impairing procedural fairness;

CONSIDERING that the relevance and probative value of the Documents has been sufficiently demonstrated;

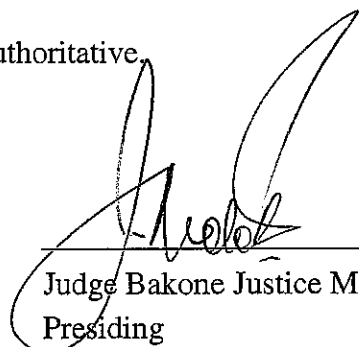
PURSUANT TO Rules 54, 65 *ter* (B) and (M), and 89 (C) of the Rules,

GRANTS the Motion;

ADMITS the Documents into evidence; and

ORDERS the Registrar to assign one exhibit number to this collection on the first day of the presentation of evidence of the Prosecution.

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



Judge Bakone Justice Moloto
Presiding

Dated this fifteenth day of June 2007

At The Hague

The Netherlands

[Seal of the Tribunal]