



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-T  
Date: 7 March 2008  
Original: ENGLISH  
French

**IN TRIAL CHAMBER III**

**Before:** Judge Jean-Claude Antonetti, presiding  
Judge Frederik Harhoff  
Judge Flavia Lattanzi

**Registrar:** Mr Hans Holthuis

**Decision of:** 7 March 2008

**THE PROSECUTOR**

v.

**VOJISLAV ŠEŠELJ**

***PUBLIC DOCUMENT***

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**DECISION ON ADMISSION OF EVIDENCE PRESENTED DURING THE  
TESTIMONY OF GORAN STOPARIĆ**

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**The Office of the Prosecutor**

Mr Daryl Mundis

**The Accused**

Mr Vojislav Šešelj

## I. INTRODUCTION

1. Trial Chamber III (“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”), is seized of the requests to admit into the record evidence presented by the Office of the Prosecutor (“Prosecution”) and Vojislav Šešelj (“Accused”) during the testimony of Goran Stoparić on 16, 17, 22, 23 and 24 January 2008.

## II. PROCEDURAL BACKGROUND

### A. Documents Presented by the Prosecution

2. During the direct examination of Goran Stoparić, the Prosecution requested that the following documents be admitted into the record:

- (1) 65 *ter* Document 32, marked for identification as “MFI P22”<sup>1</sup>: Goran Stoparić’s Military ID Booklet, dated 21 January 1985 (“Goran Stoparić’s Military ID Booklet”);
- (2) 65 *ter* Document 657 marked for identification as “MFI P23”<sup>2</sup>: Letter dated 9 November 1991;
- (3) 65 *ter* Document 764 marked for identification as “MFI P24”<sup>3</sup>: List dated 5 December 1991;
- (4) 65 *ter* Document 770 marked for identification as “MFI P25”<sup>4</sup>: Letter dated 9 December 1991;
- (5) 65 *ter* Document 7008 marked for identification as “MFI P26”<sup>5</sup>: Map depicting the Karlobag-Ogulin-Karlovac-Virovitica line and “Greater Serbia” (“Map 7”);

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<sup>1</sup> Hearing of 16 January 2008, Transcript in French (“T(F)”), 2421-2422.

<sup>2</sup> *Id.*, T(F) 2422-2425.

<sup>3</sup> *Id.*, T(F) 2425.

<sup>4</sup> *Id.*, T(F) 2441.

<sup>5</sup> *Id.*, T(F) 2458.

(6) 65 *ter* Document 83 marked for identification as “MFI P27”<sup>6</sup>; political platform of the Serbian Chetnik Movement (“SČP Platform”);

(7) 65 *ter* Document 1885 marked for identification as “MFI P28”<sup>7</sup>; Report on the soldiers of the “Dragi Lazarević unit” killed or wounded in Podveležje, dated 3 August 1993 (“Report of 3 August 1993”);

(8) 65 *ter* Document 2118 marked for identification as “MFI P29”<sup>8</sup>; *Addendum* to the Report of 3 August 1993, dated 19 May 1995 (“*Addendum* of 19 May 1995”); and

(9) 65 *ter* Document 6066g marked for identification as “MFI P30”<sup>9</sup>; Interview of the Accused with Laura Silber in March 1995, filmed for the series “*The Fall of Yugoslavia*” (“Video Clips of March 1995”).

3. During the testimony of expert witness Reynaud Theunens, documents MFI P23, MFI P24 and MFI P25 were admitted into evidence as Exhibits P23, P24 and P25 and provisionally placed under seal. In order to remain consistent, the Chamber will rule at a later stage on whether to maintain the seal on these documents when it examines the requests for the admission of exhibits presented through witness Theunens.

#### **B. Documents presented by the Accused**

4. During the cross-examination of Goran Stoparić, the Chamber assigned MFI numbers to the following documents which were presented by the Accused in court:

(1) A decision of the Šid municipal court (land registry section) dated 17 November 1995, marked for identification as “MFI D3” (“Land Registry Decision of 17 November 1995”);<sup>10</sup>

(2) A property exchange contract dated 10 August 1995, marked for identification as “MFI D4” (“Contract of 10 August 1995”);<sup>11</sup>

<sup>6</sup> *Id.*, T(F) 2480.

<sup>7</sup> Hearing of 22 January 2008, T(F) 2538-2539.

<sup>8</sup> *Id.*, T(F) 2540-2541.

<sup>9</sup> *Id.*, T(F) 2553.

<sup>10</sup> Hearing of 24 January 2008, T(F) 2750, 2754-2755.

(3) An excerpt from the military ID booklet of Jovica Stegić marked for identification as “MFI D6” (“Stegić Military ID Booklet”);<sup>12</sup>

(4) A written statement by Jovica Stegić dated 14 January 2008 marked for identification as “MFI D7” (“Stegić Statement”);<sup>13</sup>

(5) A letter signed by Ceca marked for identification as “MFI D8” (“Letter from Ceca”).<sup>14</sup>

5. The Accused also requested the admission into the record of a letter purportedly signed by Goran Stoparić, marked for identification as “MFI D5” (“Letter”),<sup>15</sup> provided that it was read and discussed in court.<sup>16</sup> The Prosecution — wishing to obtain a copy of this Letter — requested that it be tendered into the record.<sup>17</sup> For his part, the witness formally disputed being the author of the Letter and wished for it to be read in closed session.<sup>18</sup> The Chamber decided by a majority that the content of this letter would not be read in court but that the Accused would be able to present this letter during the defence case.<sup>19</sup>

### III. APPLICABLE LAW

6. The Chamber has examined the documents requested for admission in the light of Rule 89 of the Rules of Procedure and Evidence (“Rules”) and of the procedure set out in the Order of 15 November 2007 setting out the guidelines for the presentation of evidence and the conduct of the parties during the trial.

7. The Chamber further recalls that at this stage of the proceedings it need not make a *final* assessment of the relevance, reliability or probative value of the evidence. That exercise will be carried out only at the end of the trial in the light of all

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<sup>11</sup> *Id.*, T(F) 2750, 2754-2755.

<sup>12</sup> *Id.*, T(F) 2795.

<sup>13</sup> *Id.*, T(F) 2795-2796.

<sup>14</sup> *Id.*, T(F) 2821-2822.

<sup>15</sup> *Id.*, T(F) 2789.

<sup>16</sup> *Id.*, T(F) 2788.

<sup>17</sup> *Id.*, T(F) 2788.

<sup>18</sup> *Id.*, T(F) 2787.

<sup>19</sup> *Id.*, T(F) 2788.

the evidence, both inculpatory and exculpatory, that will have been tendered into the record.<sup>20</sup>

#### IV. DISCUSSION

##### A. Admission of Evidence Presented by the Prosecution

###### 1. Goran Stoparić's Military ID Booklet (MFI P22)

8. The Chamber notes that the Accused did not challenge the authenticity of Goran Stoparić's Military ID Booklet, either during the direct examination<sup>21</sup> or in cross-examination.<sup>22</sup>

9. The Chamber considers that Goran Stoparić's Military ID Booklet bears sufficient indicia of relevance and probative value and may therefore be tendered into the record.

###### 2. Map 7 (MFI P26)

10. The Chamber notes that the Accused did not challenge the authenticity of Map 7, either during the direct examination<sup>23</sup> or in cross-examination.<sup>24</sup>

11. The Chamber considers that Map 7 bears sufficient indicia of relevance and probative value and may therefore be tendered into the record.

###### 3. SČP Platform (MFI P27)

12. The Chamber notes that when the request for admission into the record of the SČP Platform was made, the Accused stated that this document could only be admitted if the Prosecution specified the source and the date.<sup>25</sup>

<sup>20</sup> *The Prosecutor v. Jadranko Prlić et al.*, Case No. IT-04-74-T, Decision to Admit Documentary Evidence Presented by the Prosecution, confidential, 5 October 2007, p.7.

<sup>21</sup> The Accused raised no objection on this subject at the time the Prosecution requested the admission of this document into the record (Hearing of 15 January 2008, T(F) 2315).

<sup>22</sup> Hearings of 22, 23 and 24 January 2008.

<sup>23</sup> The Accused raised no objection on this subject at the time the Prosecution requested the admission of this document into the record (Hearing of 16 January 2008, T(F) 2458).

<sup>24</sup> Hearings of 22, 23 and 24 January 2008.

<sup>25</sup> Hearing of 16 January 2008, T(F) 2480.

13. While the Chamber considers that this document bears sufficient indicia of relevance and probative value, it can admit it only subject to the Prosecution providing the necessary details about the source and date of the document.

4. Report of 3 August 1993 (MFI P28) and its Addendum of 19 May 1995 (MFI P29)

14. The Chamber notes that during the direct examination, the Accused alleged that the Report of 3 August 1993 had been drafted on a date when the witness was no longer in the area of Podveležje.<sup>26</sup> Conversely, the Accused later raised no objection in respect of the *Addendum* of 19 May 1995.

15. The Chamber notes that the Report of 3 August 1993 mentions Goran Stoparić by name — as does the *Addendum* of 19 May 1995 — as one of the soldiers wounded in June 1992 in the Podveležje area. The Chamber considers that the Report of 3 August 1993 and the *Addendum* of 19 May 1995 bear sufficient indicia of relevance and probative value and may therefore be tendered into the record.

5. Video Clips of March 1995 (MFI P30)

16. The Chamber notes that the Accused pointed out that the period of 1990 mentioned in the Video Clips of March 1995 falls outside the temporal scope of the Indictment, which covers the period from August 1991 to September 1993.<sup>27</sup> The Chamber further stated orally that it could not admit the Video Clips of March 1995 until it was in possession of the transcripts in English.<sup>28</sup>

17. Since the Prosecution provided the Chamber with the said transcripts, the Chamber notes that the Video Clips of March 1995 mention not only 1990 but also 1991, which in part falls within the temporal scope of the Indictment.<sup>29</sup> Consequently, the Chamber considers that the Video Clips of March 1995 bear sufficient indicia of relevance and probative value and may therefore be tendered into the record.

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<sup>26</sup> Hearing of 22 January 2008, T(F) 2539.

<sup>27</sup> *Id.*, T(F) 2548-2549.

<sup>28</sup> *Id.*, T(F) 2556.

<sup>29</sup> See hearing of 22 January 2008, T(F) 2543.

**B. Admission of Evidence Presented by the Accused**

18. The Chamber notes that the Accused did not request the admission into the record of the exhibits which were marked for identification as follows, at the request of the Prosecution: MFI D3 ("Land Registry Decision of 17 November 1995"), MFI D4 ("Contract of 10 August 1995"), MFI D5 ("Letter"), MFI D6 ("Stegić Military ID Booklet"), MFI D7 ("Stegić Statement") and MFI D8 ("Letter from Ceca"). At this stage, there is thus no reason to maintain the MFI numbers for exhibits MFI D3, MFI D4, MFI D5 and MFI D8. However, for exhibits MFI D6 and MFI D7, the Accused simply stated that their admission into the record was premature since he would call Jovica Stegić, the subject of these two documents, as a defence witness. The Chamber therefore considers it appropriate to maintain the MFI numbers for exhibits MFI D6 and MFI D7 until the testimony of Jovica Stegić.

**V. DISPOSITION**

19. For these reasons, in accordance with Rule 89(C) of the Rules, the Chamber **PARTIALLY GRANTS** the requests for admission into the record of the above-mentioned exhibits, **ADMITS** the exhibits indicated in the table below, and **DECIDES** to maintain the MFI numbers for the exhibits indicated in the table below.

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

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/signed/

Jean-Claude Antonetti  
Presiding Judge

Done this seventh day of March 2008  
At The Hague  
The Netherlands

[Seal of the Tribunal]

## ANNEX

<b>Exhibit Number</b>	<b>Party proposing admission of the Exhibit</b>	<b>Admitted/Not admitted/Marked for identification (MFI)</b>
P22	Prosecution	Admitted
P26	Prosecution	Admitted
P27	Prosecution	Admitted, subject to the Prosecution providing the necessary details about the source and date of the document
P28	Prosecution	Admitted
P29	Prosecution	Admitted
P30	Prosecution	Admitted
D3	Accused	MFI number not maintained
D4	Accused	MFI number not maintained
D5	Accused	MFI number not maintained
D6	Accused	Marked for identification
D7	Accused	Marked for identification
D8	Accused	MFI number not maintained