



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-04-82-T  
Date: 5 December 2007  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Kevin Parker, Presiding  
Judge Christine Van Den Wyngaert  
Judge Krister Thelin

**Registrar:** Mr Hans Holthuis

**Decision:** 5 December 2007

**PROSECUTOR**  
v.  
**LJUBE BOŠKOSKI**  
**JOHAN TARČULOVSKI**

*PUBLIC*

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**DECISION ON PROSECUTION'S THIRD MOTION FOR  
ADMISSION OF EXHIBITS FROM THE BAR TABLE WITH  
CONFIDENTIAL ANNEXES A THROUGH B**

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**The Office of the Prosecutor:**

Mr Dan Saxon

**Counsel for the Accused:**

Ms Edina Rešidović and Mr Guénaël Mettraux for Ljube Bošković  
Mr Antonio Apostolski and Ms Jasmina Zivković for Johan Tarčulovski

1. This Trial 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”) is seized of the “Prosecution’s Third Motion for Admission of Exhibits from the Bar Table with Confidential Annexes A through B” filed by the Office of the Prosecutor (“Prosecution”) on 27 November 2007 (“Motion”). By its Motion the Prosecution seeks the admission into evidence of two documents, namely a document entitled “Declaration of the Albanian Leaders in Macedonia regarding the Reforming and Peace Process in the Republic of Macedonia” and a newspaper article entitled “The Script of the Declaration Signed by Xhaferi, Imeri and Ahmeti” published on 26 May 2001 in “Fakti” newspaper. Counsel for Ljube Boškoski (“Boškoski Defence”) responded on 30 November 2007 opposing the Motion.<sup>1</sup> Counsel for Johan Tarčulovski (“Tarčulovski Defence”) filed a response to the Motion on 30 November 2007 suggesting that it opposes the Motion.<sup>2</sup> On 3 December 2007 the Tarčulovski Defence filed a corrigendum to its response clarifying its position that it opposes the Motion.<sup>3</sup>

2. The law governing admissibility of evidence has been discussed in several decisions of the Chamber and needs not be repeated here. The Chamber will emphasise that *inter alia* in order for a document to be admitted into evidence the Chamber must be satisfied that this document is reliable and relevant to the issues in this case.

3. The Prosecution initially sought to tender a document referred to as the Prizren Agreement through witness Gzim Ostreni. The Tarčulovski Defence objected to the admission of the document on the grounds that the document was unsigned and undated and that none of the parties to the document had given evidence.<sup>4</sup> The Boškoski Defence supported the objection.<sup>5</sup> The Chamber upheld the objection as the witness was not in a position to personally authenticate this document.<sup>6</sup>

4. The Prosecution now seeks to tender a document entitled “Declaration of the Albanian Leaders in Macedonia regarding the Reforming and Peace Process in the Republic of Macedonia” dated 22 May 2001. The Albanian version of the document appears to bear the signatures of Arben Xhaferi, Ali Ahmeti and Ymer Ymeri. It is indicated in the document that it was signed in Prizren. The newspaper article dated 26 May 2001 proposed for admission informs of the fact that such

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<sup>1</sup> *Prosecutor v Boškoski and Tarčulovski*, Case No: IT-04-82-T, “Boškoski Defence Response to Prosecution Third Motion for Admission of Exhibits from the Bar Table”, 30 November 2007.

<sup>2</sup> *Prosecutor v Boškoski and Tarčulovski*, Case No: IT-04-82-T, “Tarčulovski Defence Response to Third Prosecution Motion for Admission of Exhibits from the Bar Table with Confidential Annexes A through B”, 30 November 2007.

<sup>3</sup> *Prosecutor v Boškoski and Tarčulovski*, Case No: IT-04-82-T, “Corrigendum to the Tarčulovski Defence Response to Second Prosecution Motion for Admission of Exhibits from the Bar Table with Confidential Annex A”, 3 December 2007.

<sup>4</sup> Court hearing of 15 November 2007, T 7883.

<sup>5</sup> Court hearing of 15 November 2007, T 7884.

declaration has been signed and reprints the declaration in its entirety. In these circumstances the Chamber cannot accept the submissions of the Boškoski Defence that the question of admission of this document is *res judicata*. The document that the Prosecution now seeks to tender is materially different from the document previously not admitted on 15 November 2007; it is signed and dated. The Chamber accepts that the signatures and the date in the document now tendered provide sufficient indicia of reliability for this document to be admitted into evidence. The related newspaper article will also be admitted into evidence as it is relevant to the weight to be given to the first document.

**GRANTS** the Motion and

**REQUESTS** the Registry to assign exhibit numbers to the admitted documents and to inform the Chamber and the parties accordingly.

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

Dated this fifth day of December 2007  
At The Hague  
The Netherlands



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Judge Kevin Parker  
Presiding Judge

[Seal of the Tribunal]

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<sup>6</sup> Court hearing of 15 November 2007, T 7884.