

**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

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**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***

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

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**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,<sup>1</sup> and D4;<sup>2</sup>

**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;<sup>3</sup>

**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,<sup>4</sup> 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.

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<sup>1</sup> T. 207 (6 June 2011).

<sup>2</sup> T. 257 (7 June 2011).

<sup>3</sup> 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.*

<sup>4</sup> T. 257 (7 June 2011).

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



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Judge O-Gon Kwon  
Presiding

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

**[Seal of the Tribunal]**