



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: 29 January 2014

Original: English

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**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:** 29 January 2014

**PROSECUTOR**

**v.**

**RADOVAN KARADŽIĆ**

***PUBLIC***

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**DECISION ON ACCUSED'S MOTION TO ADMIT  
DOCUMENTS PREVIOUSLY MARKED FOR IDENTIFICATION**

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**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 (“Tribunal”) is seised of the Accused’s “Motion to Admit Documents Previously Marked for Identification”, filed on 9 January 2014 (“Motion”), and hereby issues its decision thereon.

### **I. Background and Submissions**

1. In the Motion, the Accused requests that the Chamber admit into evidence eight documents previously marked for identification (“MFI”)—MFI D3902, D3956, D3957, D4141, D4142, D4160, D4161, and D4162 (“Documents”)—as their English translations have now been uploaded into e-court.<sup>1</sup>

2. In the “Prosecution Response to Motion to Admit Documents Previously Marked for Identification”, filed on 22 January 2014 (“Response”), the Office of the Prosecutor (“Prosecution”) submits that it does not object to the admission of the Documents.<sup>2</sup> However, the Prosecution notes that the English translation of MFI D3956 on e-court includes pages which were not admitted into evidence and argues that these pages should therefore be removed.<sup>3</sup>

### **II. Discussion**

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.<sup>4</sup>

4. With regard to MFI D3956, the Chamber recalls its oral ruling on 31 October 2013 that only the four pages that were shown to Milenko Živanović would be marked for identification pending translation.<sup>5</sup> The Chamber notes that the English translation uploaded into e-court is the full 11-page document, while the BCS original only contains four pages. The Chamber will therefore instruct the Accused to ensure that the English translation uploaded into e-court conforms to the

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<sup>1</sup> Motion, para. 1.

<sup>2</sup> Response, para. 2.

<sup>3</sup> Response, para. 2.

<sup>4</sup> Order on Procedure, Appendix A, paras. O, Q.

<sup>5</sup> T. 42684–42685 (31 October 2013).

BCS original. Otherwise, having reviewed the original document, along with the relevant transcripts and translation, the Chamber is satisfied that MFI D3956 can now be admitted.

5. On the basis of the information provided by the Accused in the Motion, having reviewed the other Documents along with the relevant transcripts and translations, the Chamber is satisfied that the following seven items previously marked for identification should now be marked as admitted publicly: MFI D3902, D3957, D4141, D4142, D4160, D4161, and D4162.

### **III. Disposition**

6. Accordingly, for the reasons outlined above and pursuant to Rules 89 of the Tribunal's Rules of Procedure and Evidence, the Chamber hereby **GRANTS** the Motion, and:

- a) **ADMITS** into evidence the documents currently marked for identification as MFI D3902, D3956, D3957, D4141, D4142, D4160, D4161, and D4162; and
- b) **INSTRUCTS** the Accused to remove from e-court those pages of the English translation of MFI D3956 as set out in paragraph 4 above by 5 February 2014.

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



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Judge O-Gon Kwon  
Presiding

Dated this twenty-ninth day of January 2014  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**