

**UNITED
NATIONS**



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-95-11-T
Date: 28 November 2006
Original: English

IN TRIAL CHAMBER I

Before: Judge Bakone Justice Moloto, Presiding
Judge Janet Nosworthy
Judge Frank Höpfel

Registrar: Mr. Hans Holthuis

Decision of: 28 November 2006

PROSECUTOR

v.

MILAN MARTIĆ

**DECISION ON ADMISSION
INTO EVIDENCE OF RECORD OF SITE VISIT**

The Office of the Prosecutor:

Mr. Alex Whiting
Ms. Anna Richterova
Mr. Colin Black
Ms. Nisha Valabhji

Counsel for the Accused:

Mr. Predrag Milovančević
Mr. Nikola Perović

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”);

NOTING the Trial Chamber’s “Order on Site Visit”, filed on 16 May 2006, wherein the Trial Chamber found, pursuant to Rule 4 of the Rules of Procedure and Evidence (“Rules”), that “it is in the interest of justice to conduct a site visit to locations of crimes alleged in the Indictment”;

NOTING the Trial Chamber’s “Order on Itinerary for Site Visit”, filed on 23 June 2006;

NOTING the memorandum of the President of the Tribunal to this Trial Chamber, dated 26 June 2006, authorising a site visit in the present case;

NOTING that the Trial Chamber carried out a site visit to locations in the Republic of Croatia between 25-30 September 2006, during which an audiovisual record (“record”) was made;

NOTING that the record has been transferred onto five DVD discs and is in the process of being transcribed by the Registry;

CONSIDERING that the record and the transcript thereof are relevant and have probative value in the present trial;

NOTING that at the site of the Old Hospital in Knin, Croatia, a large number of documents were found, a sample of which the Trial Chamber collected (“documents”) in order subsequently to determine whether to admit them into evidence pursuant to the Rules;

FINDING that, having examined the documents, they do not have probative value;

PURSUANT TO Rules 4, 35, 54 and 89(C) of the Rules;

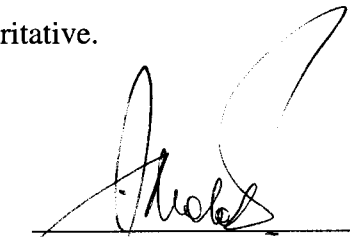
ADMITS the record and the transcript thereof as Trial Chamber exhibits;

DECIDES NOT TO ADMIT the documents collected at the Old Hospital in Knin, Croatia;

ORDERS the Registrar to assign one exhibit number to the five DVD discs and one exhibit number to the transcript thereof, and to upload the electronic version of the transcript into E-Court once it has been finalised;

ORDERS the Registrar to provide copies of the five DVD discs and the transcript thereof to the Parties.

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



Judge Bakone Justice Moloto
Presiding

Dated this twenty-eighth day of November 2006

At The Hague

The Netherlands

[Seal of the Tribunal]