

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

CASE No. IT-95-05/18-PT

IN TRIAL CHAMBER No. 3

Before: Judge Iain Bonomy, Presiding
Judge Christoph Flügge
Judge Michèle Picard

Acting Registrar: Mr. John Hocking

Date: 30 March 2009

THE PROSECUTOR

v.

RADOVAN KARADZIC

Public

RESPONSE TO FIRST PROSECUTION MOTION FOR
JUDICIAL NOTICE OF ADJUDICATED FACTS

The Office of the Prosecutor:

Mr. Alan Tieger
Mr. Mark Harmon
Ms. Hildegard Uertz-Retzlaff

The Accused:

Radovan Karadzic

1. Dr. Radovan Karadzic respectfully opposes the *First Prosecution Motion for Judicial Notice of Adjudicated Facts* (27 October 2008).

General Considerations

2. The taking of judicial notice of adjudicated facts is authorized by Rule 94(B) of the Tribunal's Rules of Procedure of Evidence. Rule 94(B) provides:

At the request of a party or *proprio motu*, a Trial Chamber, after hearing the parties, may decide to take judicial notice of adjudicated facts or documentary evidence from other proceedings of the Tribunal relating to matters at issue in the current proceedings.

3. Dr. Karadzic first contends that the taking of judicial notice of adjudicated facts is unlawful and inconsistent with current rules of international law. He notes that at the International Criminal Court, Art. 69 (6) of the ICC Statute only allows for taking judicial notice of facts of common knowledge. Furthermore, Art. 67 (1) (i) of the ICC Statute prohibits any reversal of the burden of proof, which is the inevitable result of taking judicial notice of adjudicated facts at the ICTY. As a result, it is submitted that Rule 94 (B) and its application in practice violate current rules and principles of international criminal procedure and therefore should not be applied.

4. Judge Kwon has observed:

[T]aking judicial notice of adjudicated facts is a new creation of international criminal procedure that does not exist in either common-law or civil-law national systems.¹

5. A Trial Chamber of the ICTY has explained that judicial notice of adjudicated facts does not infringe upon the presumption of innocence because the defence is fully entitled to adduce evidence during the course of its case to rebut the factual circumstances encapsulated in the adjudicated facts in question.²

6. Dr. Karadzic contests each and every material fact used to build the prosecution's case against him. Will the Trial Chamber truly provide him the resources and opportunity to rebut each of the 1735 proposed adjudicated facts which are the subject of the first two motions for judicial notice filed so far, with even more to come?

¹ Kwon, *The Challenge of an International Criminal Trial as Seen from the Bench*, Journal of International Criminal Justice (2007) p. 1, 10

² *Prosecutor v Lukic & Lukic*, No. IT-98-32/1-T, *Decision on Milan Lukic's Request for Reconsideration or of Certification to Appeal the Decision on Prosecution's Motion for Notice of Adjudicated Facts* (31 October 2008) at para. 14

7. If not, then the taking of judicial notice of these adjudicated facts will violate his right to a fair trial,³ his right to be presumed innocent,⁴ and his right to examine the witnesses against him.⁵ If he is given the opportunity to rebut them, the trial will not be able to be completed within a reasonable time.

8. The Trial Chamber in the *Milosevic* case recognized the possibility that taking judicial notice of a large number of facts would put an unreasonable burden on an accused who wishes to rebut them, and that the process of rebutting the evidence may take excessive time and resources, thus frustrating, rather than promoting, judicial economy.⁶

9. Since the principal justification for judicial notice is judicial economy, the Trial Chamber should take into consideration that Dr. Karadzic wishes to rebut the adjudicated facts which are the subject of the prosecution's motion.⁷ To do so will require him to call witnesses before the Trial Chamber during his defence case. This will require the Tribunal to provide him with adequate time and facilities to investigate the adjudicated facts and identify witnesses who could refute them. It will also require that the Trial Chamber provide him with the time for presentation of his evidence rebutting the adjudicated facts equivalent to that which it took the prosecution to establish those facts at the underlying trials.

10. The ICTR Appeals Chamber's decision in *Karemera et al.* recognized, "it is for the Trial Chambers, in careful exercise of their discretion, to assess *each particular fact* in order to determine whether taking judicial notice of it is consistent with the [A]ccused's rights *under the circumstances of the case*."⁸ As the Trial Chamber in the

³ Statute of the International Tribunal for the Former Yugoslavia ("Statute"), Articles 20.1 and 21.2.

⁴ Statute, Article 21.3.

⁵ Statute, Article 21(4)(e).

⁶ *Prosecutor v Milosevic*, No. IT-02-54-T, *Final Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts* (16 December 2003) at paras. 11-12

⁷ See *Prosecutor v Seselj*, No. IT-03-67-T, *Decision on Prosecution Motions for Judicial Notice of Documents Pursuant to Rule 94(B)* (10 December 2007)

⁸ *Prosecutor v. Karemera, Ngirumpatse, and Nzirorera*, Case No. ICTR-98-44-AR73(C), Decision on Prosecutor's Interlocutory Appeal of Decision on Judicial Notice, ("Karemera Appeals Decision"), 16 June 2006, para. 11 [*emphasis added*].

Krajisnik case observed, “[the Chamber’s] first concern is always to ensure that the Accused is offered a fair trial.”⁹

11. The wholesale admission of proposed facts through the use of Rule 94 (B) will result in such a burden on the accused as to compromise the principle of a fair and expeditious trial.¹⁰

12. Therefore, the Trial Chamber should reject the prosecution’s motion and require it to target its case to a manageable number of crimes for which it can adduce live evidence.

Specific Considerations

13. Should the Trial Chamber allow, as a general principle, the admission of adjudicated facts, it should nevertheless deny the prosecution’s motion as to many of the specific facts. The prosecution has proposed a significant number of facts that do not comply with the criteria developed in ICTY case law.

14. This is demonstrated by the chart attached as Annex “A”, which contains, in its last column, specific objections to the proposed adjudicated facts. Those objections are categorized as follows

(A) Relevance and Probative Value

15. When a Trial Chamber takes judicial notice of an adjudicated fact pursuant to Rule 94 (B), it must assess whether the fact is relevant to an issue in the current proceedings.¹¹ Dr. Karadzic contends that the fact #29 does not meet the criteria of relevance.

16. Admission of adjudicated facts is also subject to Rule 89(C)’s requirement that the evidence have probative value. The prosecution’s table explains neither the

⁹ *Prosecutor v. Momcilo Krajisnik*, Case No. IT-00-39-PT, Decision on Prosecution Motions for Judicial Notice of Adjudicated Facts and for Admission of Written Statements of Witnesses Pursuant to Rule 92 *bis* (“*Krajisnik* February 2003 Trial Decision”), 28 February 2003, para. 11.

¹⁰ *Prosecutor v. Slobodan Milosevic*, Case No. IT-02-54-T, Final Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts (“*Slobodan Milosevic* December 2003 Trial Decision”) 16 December 2003, paras. 7 and 8; *Prosecutor v. Mejakic et al.*, Case No. IT-02-65-PT, Decision on Prosecution for Judicial Notice Pursuant to Rule 94 (B) (“*Mejakic et al.* Trial Decision), 1 April 2004, p.4; *Popovic et al.* Trial Decision, note 7.

¹¹ *Prosecutor v. Semanza*, Case No. ICTR-97-20-I, Decision on the Prosecutor’s Motion for Judicial Notice and Presumptions of Facts Pursuant to Rules 94 and 54 (“*Semanza* Trial Decision”), 3 Nov 2000, para. 189; *Krajisnik* March 2005 Trial Decision, paras. 12 and 17; *Nikolic* Appeals Decision, para. 52; *Popovic et al.* Trial Decision, para. 5.

relevance of each proposed fact nor its supposed probative value. The Trial Chamber and Dr. Karadzic are left to guess how the adjudicated fact fits into the prosecution's case.

17. The prosecution should be ordered to specify in its pre-trial brief which proposed fact relates to which part of the indictment and to which part of the facts the prosecution intends to prove at trial. Absent such demonstration of relevance and probative value, the admission of adjudicated facts would violate Rule 89(C).

18. The Trial Chamber must also determine whether the adjudicated fact pertains to a live issue in the case. It cannot competently and conscientiously do that at this stage of the case, where Dr. Karadzic has received only a small fraction of the disclosure of the prosecution's case, and has had the opportunity to review only a miniscule fraction of that. Issues such as which side was responsible for the marketplace shellings are obviously highly contested issues for which adjudicated facts would be inappropriate. Other issues of a highly disputed nature simply cannot be identified at this stage of the case.

(B) Distinct, Concrete, and Identifiable

19. A fact of which judicial notice is sought should be distinct, concrete and identifiable in the findings of the original judgement.¹² In particular, all purported adjudicated facts should be understood in the context of the judgement "with specific reference to the place referred to in the judgement and to the indictment period of that case."¹³

20. Dr. Karadzic submits that the following proposed facts are not distinct, concrete, and identifiable:

Facts:

1-5, 7, 8, 10, 11, 17, 19, 20-23, 30-46, 48-51, 53, 55, 57, 63-65, 67, 68, 70, 72, 73-83, 85, 87-89, 91, 93, 95-97, 101, 102, 104, 105, 107-109, 116, 137, 138, 142-43, 152, 153, 156-60, 162, 166, 168, 169, 179-81, 183-185, 193, 195, 205, 210-11,

¹² *Prosecutor v. Blagojevic and Jokic*, Case No. IT-02-60-T, Decision on Prosecution's Motion for Judicial Notice of Adjudicated Facts and Documentary Evidence ("*Blagojevic and Jokic* Trial Decision"), 19 December 2003, para. 16; *Krajisnik* February 2003 Trial Decision, para. 15; *Krajisnik* March 2005 Trial Decision, para. 14; *Prosecutor v. Hadzihasanovic and Kubura*, Case No. IT-01-47-T, Decision on Judicial Notice of Adjudicated Facts Following the Motion Submitted by Counsel for the Accused Hadzihasanovic and Kubura on 20 January 2005 ("*Hadzihasanovic et al.* Trial Decision"), 14 April 2005, p. 5; *Popovic et al.* Trial Decision, para. 6; *Prosecutor v. Prlic et al.*, Case No. IT-04-74-PT, Decision on Motion for Judicial Notice of Adjudicated Facts Pursuant to Rule 94 (B), ("*Prlic et al.* March 2006 Trial Decision"), 14 March 2006, para. 12

¹³ *Krajisnik* March 2005 Trial Decision, para. 14, fn. 44.

214, 217, 219, 225-27, 234-38, 240-41, 243, 261-65, 267, 277-79, 296-98, 300-03, 308, 313, 317, 321, 324, 326-30, and 332-36.

(C) Consistent

21. The facts of which judicial notice is sought must be formulated by the moving party in the same way – or at least in a substantially similar way – as the formulation used in the original judgement.¹⁴ Facts altered in a substantial way by the moving party cannot be considered to have been truly adjudicated.¹⁵

22. Dr. Karadzic submits that the following proposed facts differ in a substantial way from the formulation in the original judgement:

Facts:

38, 39, 41, 42, 44, 45, 110, 117, 118, 129, 133, 135-38.

(D) Out of Context

23. A Trial Chamber should decline to take judicial notice of a fact when it considers that it is formulated, i.e. abstracted from the context in the judgement, is misleading or inconsistent with the facts actually adjudicated in the case in question.¹⁶

24. Dr. Karadzic submits that the following proposed facts are unclear or misleading in the context in which they are placed:

Facts:

14, 15, 20, 21, 23, and 133.

25. Furthermore, should the Trial Chamber exclude several of the facts objected to herein, it may, at its discretion, exclude other purported facts because they have become unclear in the context of the surrounding admitted facts.

(E) Contested

26. The fact must not be based on an agreement between the parties to the original proceedings.¹⁷

¹⁴ *Blagojevic and Jokic* Trial Decision, para. 16; *Krajisnik* March 2005 Trial Decision, para 14; *Popovic et al.* Trial Decision, para. 7.

¹⁵ *Ibid.*

¹⁶ *Karemera et al.* Appeals Decision, para 55. See also *Dragomir Milosevic* Trial Decision, p.3.

¹⁷ *Krajisnik* February 2003 Trial Decision, para. 15; *Prosecutor v. Slobodan Milosevic*, Cast No. IT-02-54-T, Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts (“*Slobodan Milosevic* April 2003 Trial Decision”), 10 April 2003, p. 3; *Mejakic* Trial Decision, para. 11; *Popovic et al.* Trial Decision, para. 11

27. Dr. Karadzic submits that the following proposed facts are based on an agreement between the parties to the original proceedings:

Facts:

6, 25, 26, 28, and 66

(F) Legal Conclusions

28. An adjudicated fact must not contain findings or characterizations of an essentially legal nature;¹⁸ In determining whether a proposed fact is truly a factual finding, it has been observed that “many findings have a legal aspect, if one is to construe this expression broadly. It is therefore necessary to determine on a case-by-case basis whether the proposed fact contains findings or characterizations that are of an essentially legal nature and which must, therefore, be excluded”.¹⁹

29. Several decisions have excluded proposed facts on the basis that the facts contain legally significant terms that are used in such a way as to characterize the fact as “essentially legal in nature.”²⁰ Such terms include: “widespread or systematic attack;” “terror, murder and inhumane act;” “indiscriminate attack;” “deliberate attack;” “attack on a legitimate military target;” “civilian casualties” or “attack on civilians;” existence of an “armed conflict;” and “forcible transfer.”²¹

30. When the *Galic* Trial Judgement establishes, for instance, that “[b]etween September 1992 and August 1994, *civilians* were targeted while using public transport vehicles running during cease-fires in Dobrinja and in Novo Sarajevo” (see proposed fact no. 112; emphasis added), the term “civilians” refers to persons specifically protected by International Humanitarian Law — thus being a legal finding within the

¹⁸ *Krajisnik* March 2005 Trial Decision, para. 15; *Popovic et al.* Trial Decision, para. 10.

¹⁹ *Krajisnik* March 2005 Trial Decision, paras. 15 and 19. See also, *inter alia*, *Blagojevic and Jokic* Trial Decision, para. 16; *Mejakic* Trial Decision, p. 4; *Hadzihasanovic et al.* Trial Decision, p. 5; *Prlic et al.* March 2006 Trial Decision, para. 12.; *Prosecutor v. Dragomir Milosevic*, Case No. IT-98-29/1-AR73.1, Decision on Interlocutory Appeals Against Trial Chamber’s Decision on Prosecution’s Motion for Judicial Notice of Adjudicated Facts and Prosecution’s Catalogue of Agreed Facts (“*Dragomir Milosevic* Appeals Decision”), 26 June 2007, paras. 19-22.

²⁰ See, *inter alia*, *Dragomir Milosevic* Appeals Decision, paras. 19-22; *Prosecutor v. Mico Stanisic*, Case No. IT-04-79-PT, Decision on Judicial Notice (“*Stanisic* Trial Decision”), 14 December 2007, para 42; *Perisic* Trial Decision, para. 26.

²¹ See, *inter alia*, *Dragomir Milosevic* Appeals Decision, paras. 19-22; *Prosecutor v. Mico Stanisic*, Case No. IT-04-79-PT, Decision on Judicial Notice (“*Stanisic* Trial Decision”), 14 December 2007, para 42; *Perisic* Trial Decision, para. 26.

meaning of International Humanitarian Law. Furthermore, judicial notice will not be taken of a paragraph if it makes primarily legal points.²²

31. Dr. Karadzic submits that the following proposed facts contain findings or characterizations of an essentially legal nature:

Facts:

8, 29-46, 49, 51, 53, 56, 57, 59, 63, 64, 69, 76, 81, 92, 98-100, 103, 108, 111-14, 119-121, 123, 125-29, 131, 138-146, 155, 164, 170, 172, 178, 182, 188, 197, 208, 221, 233, 239, 244, 270, 278-80, 282, 297, 320, 322, and 343.

(G) Discretion

32. Even where a fact meets the criteria for judicial notice, the Trial Chamber retains the discretion to decline to take judicial notice of it.

33. Dr. Karadzic's right to examine witnesses against him is particularly important with regard to proposed facts which go to crimes committed under the command of General Galic. Dr. Karadzic is charged with having participated with General Galic and others in a joint criminal enterprise to establish and carry out a campaign of sniping and shelling against the civilian population of Sarajevo, the primary purpose of which was allegedly to spread terror among the civilian population.

34. The indictment alleges that Dr. Karadzic served as the highest military authority in the Republika Srpska ("RS") during the time period General Galic held command from 1992 to August 1994. If this Trial Chamber admits adjudications in *Galic* regarding the deliberate and indiscriminate sniping and shelling, by forces under General Galic's command, on civilian persons and civilian objects in Sarajevo, the Chamber will be asked to infer from such facts that Dr. Karadzic was knowledgeable that these crimes were being committed under the authority of his subordinate.²³ It will be argued from these facts that Dr. Karadzic must have known that this was going on and should have taken steps to prevent these crimes and punish the perpetrators.

35. This inference shifts the burden to Dr. Kardazic, leaving it to him to prove that he had no knowledge of the deliberate targeting of civilians in Sarajevo. Admitting such

²² *Karemera et al.* Appeals Decision, para. 29; *Krajisnik* March 2005 Trial Decision, para. 15; *Prosecutor v. Prlic et al.*, Case No. IT-04-74-T, Decision on Prosecution Motions for Judicial Notice of Adjudicated Facts of 14 and 23 June 2006, 7 September 2006, para. 23.

²³ See, e.g., *Prosecutor v. Dragomir Milosevic*, Case No. IT-98-29/1-T, Decision on Defence Request for Judicial Notice of Adjudicated Facts ("*Dragomir Milosevic* Trial Decision"), 29 August 2007, para. 32.

facts, in other words, is prejudicial to the rights of the Accused because the proposed facts indirectly point to the mode of his liability as alleged by the Prosecution, either under Article 7(1) or Article 7(3) of the Statute.

36. With this in mind, Dr. Karadzic requests the Trial Chamber exclude the following facts in the exercise of its discretion:

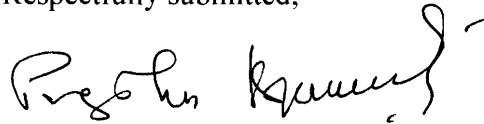
25-31, 33-46, 147-51, 153, 157-59, 163, 165-67, 171, 173-77, 183, 189-90, 198-202, 209-15, 218, 222-25, 228, 234-38, 245-60, 271-77, 283-95, 298, 305-07, 309-12, 314-16, 318, 324-25, 332-33.

Conclusion

37. The first prosecution motion for judicial notice of adjudicated facts should be denied. It presents the illusion of judicial economy, but is in fact a recipe for an unfair and unwieldy trial.

Word count: 2986

Respectfully submitted,



Radovan Karadzic²⁴

²⁴ Dr. Karadzic wishes to gratefully acknowledge the contribution of Ms. Erica Finkle, a law student at Columbia University (United States), working under the direction of Dr. Goran Sluiter of the Faculty of Law, University of Amsterdam (Netherlands) to the preparation of this response.

ANNEX “A”

Fact No.	Proposed Adjudicated Fact	Source	Initial Source	Reason for Exclusion
	By 1992, Sarajevo had grown into the most important political, cultural, industrial, and commercial centre of BiH. Sarajevo was made up of ten municipalities: Stari Grad (Old Town), Centar (Centre), Novo Sarajevo, Novi Grad, Vogosca, Ilidza, Pale Hijas, Hadzici, and Trnovo.	Galic Trial Judgement, para 197	Kupusovic, T. 610; Radinovic Report, Galic Trial Judgement, para. 99.	The fact is not identifiable. Defense does not have the Radinovic Report from which the adjudicated fact was decided.
1				
2	According to the 1991 census, the municipality of Pale was the only one in which BiH Serbs constituted an absolute majority (around 69%).	Galic Trial Judgement, para 198	Donia Report, p. 1; Radinovic Report, paras 78-82.	The fact is not identifiable. Defense does not have the Radinovic Report or the Donia Report from which the adjudicated fact was decided.
3	According to the 1991 census, the Serbs were a simple majority in Ilidza and Ilijas.	Galic Trial Judgement, para 198	Uncited.	The fact is not identifiable. While the fact mentions the 1991 census, the Galic Trial Judgement does not cite a source.
4				
	According to the 1991 census, the Serbs were in approximately equal numbers to the Muslims in Novo Sarajevo	Galic Trial Judgement, para 198	Uncited.	The fact is not identifiable. While the fact mentions the 1991 census, the Galic Trial Judgement does not cite a source.
5				
	In early March 1992, barricades and checkpoints were erected in Sarajevo by both SDS and SDA members	Galic Trial Judgement, para 199	Donia Report, Appendix B; Witness AD, T. 10651. Kupusovic, T. 616; Sokolar, T. 3586-8; Donia Report, p. 8; Radinovic Report, Galic Trial Judgement, para. 111	The fact is not identifiable. Defense does not have the Donia Report from which the adjudicated fact was decided. Furthermore, the relevant witness testimony was taken in closed session and redacted from trial transcripts.
6				
	On 6 April 1992, extensive gunfire erupted in Sarajevo, with each side accusing the other of having started the hostilities.	Galic Trial Judgement, para. 199	Kupusovic, T. 616; Witness DP36 (defense witness), T. 18016-18025; Witness DP3 (defense witness), T. 13508; Donia Report, p. 9;	The fact is not identifiable. Defense does not have the Donia Report from which the adjudicated fact was decided. Furthermore, relevant witnesses are unidentified.
7				

<p>Between May and September 1992, shelling of military and civilian targets within the city of Sarajevo by both sides continued, and fighting was intense and brutal.</p>	<p>Galic Trial Judgement, para. 202</p>	<p>Witness DP14 (defense witness), T. 15839; Witness J., T. 8043; Witness D., T. 1884-9; Van Lynden, T. 2210; Hajir, T. 1677-1681; Maljanovic, T. 2977; Radinovic Report, paras 116-120. The fact contains essentially legal conclusions with regard to the characterization of targets as "civilian." Fact is also not identifiable. Defense does not have the Radinovic Report from which the adjudicated fact was decided. Furthermore, relevant witnesses are unidentified.</p>
<p>On 8 June 1992, with Resolution 758, the Security Council enlarged the mandate and strength of UNPROFOR and authorized the deployment of UN Military Observers ("UNMOs"). By Security Council Resolution 761 of 29 June 1992, UNPROFOR was tasked with protecting Sarajevo airport, a strategic location south-west to the city, and with helping it function so that humanitarian aid could reach the population.</p>	<p>Galic Trial Judgement, para. 203</p>	<p>Uncited.</p>
<p>In the summer of 1992, pursuant to an agreement with the UN, the Sarajevo Romanija Corps ("SRK") handed over Sarajevo airport to UNPROFOR. From that moment on, the airport was only to be used by UN personnel for UN purposes. UNPROFOR's mandate was again broadened by Security Council Resolution 776 of 14 September 1992, to include the protection of convoys of humanitarian aid.</p>	<p>Galic Trial Judgement, para. 203</p>	<p>Witness W, T. 9538. The fact is not identifiable. The relevant witness testimony was taken in closed session and redacted from trial transcripts. Furthermore, the relevant witness is unidentified.</p>
<p>UNPROFOR's mandate was again broadened by Security Council Resolution 776 of 14 September 1992, to include the protection of convoys of humanitarian aid.</p>	<p>Galic Trial Judgement, para. 203</p>	<p>Kupusovic, T. 625; Tucker, T. 9931; Security Council Resolution 758 of 8 June 1992; Radinovic Report, Galic Trial Judgement, para. 143. The fact is not identifiable. Defense does not have the Radinovic Report from which the adjudicated fact was decided.</p>
<p>protection of convoys of humanitarian aid.</p>	<p>Galic Trial Judgement, para. 203</p>	<p>Kolp, T. 8223-7; Briquemont, T. 10040.</p>

13	<p>In September 1992, at least three UNPROFOR military battalions, French, Egyptian, and Ukranian, were positioned in the city. Each consisted of around 500 to 600 soldiers.</p> <p>The headquarters of the UN troops in charge of "Sector Sarajevo" were in the Post Office (PIT) building in downtown Sarajevo and the warring factions had liaison offices there to maintain contact with UNPROFOR and file protests on alleged violations of rules and agreements by the other party.</p>	<p>Galic Trial Judgement, para. 203</p>	<p>Indic testified that there were two French battalions, Indic, T. 18576 (defense witness); Abdel-Razek, T. 11581.</p>	
14	<p>The two opposing forces in the Sarajevo sector were observed by military monitoring teams (UNMOs) in stations code-named LIMA (outside the city to cover SRK positions) and PAPA (in the city to cover the territory controlled by the ABiH).</p>	<p>Galic Trial Judgement, para. 203</p>	<p>Mole, T. 9514; Kolp, T. 8221 and 8310; Moroz, T. 18116 (defense witness); Harding, T. 4445-6.</p>	<p>The time-period of the events described therein is unclear.</p>
15	<p>There were around 60 observers as of February 1993, spread out over a total of 14 observation posts (11 LIMAs and 3 PAPAs). However, it was generally thought that, due to insufficient numbers, UNMOs could not effectively cover each assigned area.</p>	<p>Galic Trial Judgement para. 204</p>	<p>Carswell, T. 8383; O'Keeffe, T. 9179-81.</p> <p>In January-February 1994, the monitors increased due to the need to monitor the withdrawal of heavy weaponry; Niaz, T. 9067; Cutler, T. 8901; Carswell, T. 8330; 8358; Indic, T. 18793-4 (defense witness).</p>	<p>The time-period of the events described therein is unclear.</p>
16				

- 17 After the JNA partially withdrew, the parliament of Republika Srpska on 12 May 1992 ordered the formation of the Bosnian-Serb Army ("VRS").
On 22 May 1992 BiH was admitted as a member state of the U.N.
- 18 On 22 May 1992 the Security Council called for the withdrawal of foreign forces, including the JNA, from BiH territory.
The SRK was to be located in the greater Sarajevo area, the former zone of responsibility of the 4th JNA Corps.
- 19 Kupusovic, T. 643; witness DP36 (defense witness) confirmed that the eye-witnessed JNA withdrawal, T. 18035-18036; Donia Report, p. 10-11; Radinovic Report, Galic Trial Judgement, para. 201
The fact is not identifiable. Defense does not have the Radinovic Report and Donia Report from which the adjudicated fact was decided. Furthermore, a relevant witness is unidentified.
- 20 On 22 May 1992, UN doc. A/Res/46/237 (1992).
UN SC Res. 752, 15 May 1992 and UN SC Res. 757, 30 May 1992;
Guskova (defense witness), T. 19427;
Guskova Report, p. 19.
The fact is not identifiable. Defense does not have the Guskova Report from which the adjudicated fact was decided.
The fact is not identifiable. Defense does not have access to the Radinovic Report from which the adjudicated fact was decided. The fact is also not distinct. The time-period of the events described therein is unclear.
- 21 Karavelic, T. 12005; Lazic (defense witness), T. 13755-6 (Ildiza, Nedarici); Kolp, T. 8256, Kupusovic, T. 657 and Niaz, T. 9081 (with respect to Grbavica);
Radinovic Report, Galic Trial Judgement, para. 106.
The fact is not identifiable. Defense does not have access to the Radinovic Report from which the adjudicated fact was decided. The fact is also not distinct. The time-period of the events described therein is unclear.
The fact is not identifiable. Defense does not have access to the Radinovic Report from which the adjudicated fact was decided. Furthermore, relevant footnote 371 of Trial Chamber's Decision states: "The information provided by Radinovic is, however, not properly sourced, and the Trial Chamber only refers to it as general information with no specific value in respect to the charges brought in the Indictment."
- 22 Galic Trial Judgement, para. 129.
Radinovic Report, Galic Trial Judgement, para. 201

- The SRK controlled on the west and north-west of the city Vogosca, Rajilovac and Hadzici; on the south-east, Mount Trebevic, Tucker, T. 9926; Kolp, T. 8287; Sokolar, T. 3568; Kupusovic, T. 657-658; Van Lynden, T. 2103; DP36 (defense witness), T. 18047-8; Radinovic Report, Galic Trial Judgement, para 131.
- The fact is not identifiable. Defense does not have access to the Radinovic Report from which the adjudicated fact was decided. The fact is also not distinct. The time-period of the events described therein is unclear. Furthermore, a relevant witness is unidentified.
- Auxiliary forces of the SRK brigades were positioned in the so-called exterior ring of the Sarajevo front, whose length was approximately 180 kilometres.
- 23 On 1 September 1992, the ABiH troops positioned in and around Sarajevo formally came to be known as the 1st ABiH Corps. General Galic assumed the post of the commander of the Sarajevo Romanija Corps during the period 10 September 1992 to 10 August 1994.
- 24 Galic Trial Judgement, para 204
- 25 Galic Trial Judgement, para 606
- 26 General Galic was directly reporting to General Mladic. General Galic remained as commander of the Sarajevo Romanija Corps until 10 August 1994 when Dragomir Milosevic, his Chief of Staff, assumed command.
- 27 Galic Trial Judgement, para 607
- Philipps, T. 11531. Philipps referred to a letter signed by Dragomir Milosevic indicating General Galic's departure.
- Uncited.
- Uncited.
- The fact is based on an agreement between the parties to the original proceedings. The Trial Chamber decision states that "there is no dispute between the parties" with regard to this finding.
- The fact is based on an agreement between the parties to the original proceedings. The Trial Chamber decision states that "there is no dispute between the parties" with regard to this finding.

<p>General Galic, as Corps commander, was in charge of continuing the planning and execution of the encirclement of Sarajevo.</p> <p>28</p>	<p>Galic Trial Judgement, para 609</p>	<p>Prosecution Final Trial Brief, Galic Trial Judgement, para. 94; Defence Final Trial Brief, Galic Trial Judgement, para. 18; Defence Pre-trial Brief, Galic Trial Judgement, para. 2.20.</p>	<p>The fact is based on an agreement between the parties to the original proceedings. The Trial Chamber decision states that "there is no dispute between the parties" with regard to this finding.</p>
<p>Uncited conclusion of the Trial Chamber: "The Trial Chamber has no doubt that General Galic was an efficient and professional military officer"; Galic Trial Judgement, para. 659.</p> <p>General Galic was an efficient and professional military officer.</p> <p>Upon his appointment as commander of the Sarajevo Romanija Corps, General Galic finalised the composition and organisation of the Sarajevo Romanija Corps.</p> <p>29</p>	<p>Galic Trial Judgement, para 659</p>	<p>Uncited conclusion of the Trial Chamber: "The Trial Chamber has no doubt that General Galic was an efficient and professional military officer"; Galic Trial Judgement, para. 659.</p>	<p>The fact is not relevant to an issue in the current proceedings. This characterization of General Galic has no bearing on or connection to the charges against the Accused. Furthermore, the fact is of an essentially legal nature. It is located in the section of the Trial Chamber's judgement entitled "Conclusions About the Effectiveness of the Command and Control of the Chain of Command." The paragraphs in this section make legal conclusions based on the factual findings stipulated elsewhere in the judgement.</p>
<p>The fact is not identifiable. It is an uncited conclusion of the Trial Chamber. Furthermore, the fact is of an essentially legal nature. It is located in the section of the Trial Chamber's judgement entitled "Conclusions About the Effectiveness of the Command and Control of the Chain of Command." The paragraphs in this section make legal conclusions based on the factual findings stipulated elsewhere in the judgement.</p> <p>The fact is not distinct, concrete and identifiable in the original judgement. It is an uncited conclusion of the Trial Chamber. Furthermore, the fact is of an essentially legal nature. It is located in the section of the Trial Chamber's judgement entitled "Conclusions About the Effectiveness of the Command and Control of the Chain of Command." The paragraphs in this section make legal conclusions based on the factual findings stipulated elsewhere in the judgement.</p> <p>The fact is not distinct, concrete and identifiable in the original judgement. It is an uncited conclusion of the Trial Chamber. Furthermore, the fact is of an essentially legal nature. It is located in the section of the Trial Chamber's judgement entitled "Conclusions About the Effectiveness of the Command and Control of the Chain of Command." The paragraphs in this section make legal conclusions based on the factual findings stipulated elsewhere in the judgement.</p> <p>30</p>	<p>Galic Trial Judgement, para 659</p>	<p>Uncited conclusion of the Trial Chamber.</p>	<p>The fact is not distinct, concrete and identifiable in the original judgement. It is an uncited conclusion of the Trial Chamber. Furthermore, the fact is of an essentially legal nature. It is located in the section of the Trial Chamber's judgement entitled "Conclusions About the Effectiveness of the Command and Control of the Chain of Command." The paragraphs in this section make legal conclusions based on the factual findings stipulated elsewhere in the judgement.</p>
<p>General Galic was present on the battlefield of Sarajevo throughout the period 10 September 1992 to 10 August 1994, in close proximity to the confrontation lines.</p> <p>31</p>	<p>Galic Trial Judgement, para. 660</p>	<p>Uncited conclusion of the Trial Chamber.</p>	<p>The fact is not distinct, concrete and identifiable in the original judgement. It is an uncited conclusion of the Trial Chamber. Furthermore, the fact is of an essentially legal nature. It is located in the section of the Trial Chamber's judgement entitled "Conclusions About the Effectiveness of the Command and Control of the Chain of Command." The paragraphs in this section make legal conclusions based on the factual findings stipulated elsewhere in the judgement.</p>
<p>The confrontation lines remained relatively static during the period 10 September 1992 to 10 August 1992.</p> <p>32</p>	<p>Galic Trial Judgement, para 660</p>	<p>Uncited conclusion of the Trial Chamber.</p>	<p>The fact is not distinct, concrete and identifiable in the original judgement. It is an uncited conclusion of the Trial Chamber. Furthermore, the fact is of an essentially legal nature. It is located in the section of the Trial Chamber's judgement entitled "Conclusions About the Effectiveness of the Command and Control of the Chain of Command." The paragraphs in this section make legal conclusions based on the factual findings stipulated elsewhere in the judgement.</p>

- 33 General Galic actively monitored the situation in Sarajevo. Galic Trial Judgement, para 660 Uncited conclusion of the Trial Chamber
- The fact is not distinct, concrete and identifiable in the original judgement. It is an uncited conclusion of the Trial Chamber. Furthermore, the fact is of an essentially legal nature. It is located in the section of the Trial Chamber's judgement entitled "Conclusions About the Effectiveness of the Command and Control of the Chain of Command." The paragraphs in this section make legal conclusions based on the factual findings stipulated elsewhere in the judgement. The fact is not distinct, concrete and identifiable in the original judgement. It is an uncited conclusion of the Trial Chamber. Furthermore, the fact is of an essentially legal nature. It is located in the section of the Trial Chamber's judgement entitled "Conclusions About the Effectiveness of the Command and Control of the Chain of Command." The paragraphs in this section make legal conclusions based on the factual findings stipulated elsewhere in the judgement. The fact is not distinct, concrete and identifiable in the original judgement. It is an uncited conclusion of the Trial Chamber. Furthermore, the fact is of an essentially legal nature. It is located in the section of the Trial Chamber's judgement entitled "Conclusions About the Effectiveness of the Command and Control of the Chain of Command." The paragraphs in this section make legal conclusions based on the factual findings stipulated elsewhere in the judgement. The fact is not distinct, concrete and identifiable in the original judgement. It is an uncited conclusion of the Trial Chamber. Furthermore, the fact is of an essentially legal nature. It is located in the section of the Trial Chamber's judgement entitled "Conclusions About the Effectiveness of the Command and Control of the Chain of Command." The paragraphs in this section make legal conclusions based on the factual findings stipulated elsewhere in the judgement. The fact is not distinct, concrete and identifiable in the original judgement. It is an uncited conclusion of the Trial Chamber. Furthermore, the fact contains characterizations of an essentially legal nature. Particularly when read in context with fact no. 37, this fact refers to General Galic's mode of liability as a commander responsible for his troops. It is located in the section of the Trial Chamber's judgement entitled "Conclusions About the Effectiveness of the Command and Control of the Chain of Command." The paragraphs in this section make legal conclusions based on the factual findings stipulated elsewhere in the judgement.
- 34 General Galic was perfectly cognisant of the situation in the battlefield of Sarajevo. Galic Trial Judgement, para 660 Uncited conclusion of the Trial Chamber
- 35 Sarajevo Romanija Corps reporting and monitoring systems were functioning normally during the period 10 September 1992 to 10 August 1994. Galic Trial Judgement, para 660 Uncited conclusion of the Trial Chamber based generally on "the Trial Record"; Galic Trial Judgement, para. 660.
- 36 General Galic was in a good position to instruct and order his troops. Galic Trial Judgement, para 660 Uncited conclusion of the Trial Chamber

The fact is not distinct, concrete and identifiable in the original judgement. It is an uncited conclusion of the Trial Chamber.

Furthermore, the fact contains characterizations of an essentially legal nature. Particularly when placed in context with the fact no. 36, this fact refers to General Galic's mode of liability as a commander responsible for his troops. It is located in the section of the Trial Chamber's judgement entitled "Conclusions About the Effectiveness of the Command and Control of the Chain of Command." The paragraphs in this section make legal conclusions based on the factual findings stipulated elsewhere in the judgement.

The fact is not distinct, concrete and identifiable in the original judgement. It is an uncited conclusion of the Trial Chamber. Furthermore, the fact contains characterizations of an essentially legal nature. It refers to General Galic's mode of liability as a commander responsible for his troops. It is located in the section of the Trial Chamber's judgement entitled "Conclusions About General Galic's Knowledge About Criminal Activity of the SRK." The paragraphs in this section make legal conclusions based on factual findings stipulated elsewhere in the judgement. Moreover, the reference to "civilians" is a legal conclusion concerning "unlawful" attacks taking place in Sarajevo. This is supported by a key word in the Trial Chamber's judgement which is left out of the fact as proposed. The judgement reads, "...unlawful sniping and unlawful shelling activity... against civilians..." The prosecution's formulation of the fact thus differs in a substantial way from the formulation in the original judgement.

Uncited conclusion of the Trial Chamber that is based generally on "many witnesses" and "a plethora of evidence"; paras. 660-661.

Galic Trial Judgement, para. 661

The Sarajevo Romanija Corps personnel were under normal military command and control.

37

Not only was General Galic informed personally about both sniping and shelling activity attributed to Sarajevo Romanija Corps forces against civilians in Sarajevo, but his subordinates were conversant with such activity.

Galic Trial Judgement, para 702

Uncited conclusion of the Trial Chamber.

38

39	General Galic was subsequently informed by his subordinates about both sniping and shelling activity attributed to Sarajevo Romanija Corps forces against civilians in Sarajevo.	Galic Trial Judgement, para. 702	Uncited conclusion of the Trial Chamber.	<p>The fact is not distinct, concrete and identifiable in the original judgement. It is an uncited conclusion of the Trial Chamber.</p> <p>Furthermore, the fact contains characterizations of an essentially legal nature. It refers to General Galic's mode of liability as a commander responsible for his troops. It is located in the section of the Trial Chamber's judgement entitled "Conclusions About General Galic's Knowledge About Criminal Activity of the SRK." The paragraphs in this section make legal conclusions based on factual findings stipulated elsewhere in the judgement. Moreover, the reference to "civilians" is a legal conclusion concerning "unlawful" attacks taking place in Sarajevo. This is supported by a key word in the Trial Chamber's judgement which is left out of the fact as proposed. The judgement reads, "...<u>unlawful</u> sniping and <u>unlawful</u> shelling activity... against civilians..." The prosecution's formulation of the fact thus differs in a substantial way from the formulation in the original judgement.</p> <p>The fact is not distinct, concrete and identifiable in the original judgement. It is an uncited conclusion of the Trial Chamber.</p> <p>Furthermore, the fact contains characterizations of an essentially legal nature. It is located in the section of the Trial Chamber's judgement entitled "Conclusions About General Galic's Knowledge About Criminal Activity of the SRK." The paragraphs in this section make legal conclusions based on the factual findings stipulated elsewhere in the judgement.</p> <p>First, this fact is repetitive of fact no. 39. Second, the fact is not distinct, concrete and identifiable in the original judgement. It is an uncited conclusion of the Trial Chamber. Third, the fact contains characterizations of an essentially legal nature. It refers to General Galic's mode of liability as a commander responsible for his troops. It is located in the section of the Trial Chamber's judgement entitled "Conclusions About General Galic's Knowledge About Criminal Activity of the SRK." The paragraphs in this section make legal conclusions based on factual findings stipulated elsewhere in the judgement. Moreover, the reference to "civilians" is a legal conclusion concerning "unlawful" attacks taking place in Sarajevo. The judgement reads, "...<u>unlawful</u> sniping and shelling at civilians..." The prosecution's formulation of the fact thus differs in a substantial way from the formulation in the original judgement.</p>
	As Corps commander, General Galic was in full control of Sarajevo Romanija Corps artillery assets and knew of the rate of use of ammunition	Galic Trial Judgement, para. 703	Uncited conclusion of the Trial Chamber.	
	General Galic was fully appraised of the sniping and shelling at civilians taking place in the city of Sarajevo and its surroundings.	Galic Trial Judgement, para. 705	Uncited conclusion of the Trial Chamber.	

The fact is not distinct, concrete and identifiable in the original judgement. It is an uncited conclusion of the Trial Chamber. Moreover, this fact contains characterizations of an essentially legal nature. Specifically, the references to "civilian" targets and the "widespread" nature of the attacks are legal conclusions. This reading of the terms is supported by the fact that the paragraph from which this fact was extracted primarily makes conclusions regarding the existence of a "deliberate campaign targeting civilians." Furthermore, the prosecution's formulation of the fact differs in a substantial way from the formulation in the original judgement, which reads: "While the Majority has no doubt that, indeed, General Galic issued such orders, it has found that crimes were committed against civilians in a widespread fashion and over a long period of time by SRK troops."

General Galic issued orders to target civilians of the civilian population and the sniping and shelling of civilians was widespread and conducted over a long period of time by SRK troops. The manner of commission of these crimes revealed a striking similarity of pattern throughout. The sniping and shelling of civilians were not the sporadic acts of soldiers out of control but were carried out pursuant to a deliberate campaign of attacking civilians. This campaign emanated from an authority higher than the individual soldiers, or at least had its approval.

Galic Trial
Judgement, para
741

Uncited conclusion of the
Trial Chamber .

42

The fact is not distinct, concrete and identifiable in the original judgement. It is an uncited conclusion of the Trial Chamber. Moreover, this fact contains characterizations of an essentially legal nature. Specifically, the reference to a "deliberate campaign of attacking civilians" makes legal conclusions regarding the nature of the activity taking place and its targets.

Galic Trial
Judgement, para.
741

Uncited conclusion of the
Trial Chamber .

43

The fact is not distinct, concrete and identifiable in the original judgement. It is an uncited conclusion of the Trial Chamber. Furthermore, the fact differs in a significant way from the formulation in the original judgement. The original judgement states, "According to the Majority, there is an irresistible inference to be drawn from the evidence on the Trial Record that what the Trial Chamber has found to be widespread and notorious attacks against the civilian population of Sarajevo could not have occurred without it being the will of the commander of those forces which perpetrated it and that the lack of measures to prevent illegal sniping and shelling activities was deliberate ." This was a legal conclusion drawn by the Trial Chamber regarding the type of activity taking place and General Galic's mode of responsibility.

General Galic deliberately ensured a lack of measures by the VRS to prevent sniping and shelling activities.

Galic Trial
Judgement, para
742

Uncited conclusion of the
Trial Chamber .

44

<p>The fact is not distinct, concrete and identifiable in the original judgement. It is an uncited conclusion of the Trial Chamber. Furthermore, the fact differs in a significant way from the formulation in the original judgement. The original judgement states, "An evaluation of the Trial Record makes it also abundantly clear that although General Galic called occasionally for decrease of fire against the civilian population of Sarajevo, when prompted by outside action, he also, at other times, intended to target, by direct or indiscriminate fire, civilians and the civilian population in the city of Sarajevo to spread terror within the civilian population of Sarajevo." Both the original statement and the reformulated fact are of an essentially legal nature because they make legal conclusions about the deliberate nature of attacks and the intended victims.</p> <p>First, this fact is repetitive of fact nos. 44 and 45. Second, the fact is not distinct, concrete and identifiable in the original judgement. It is an uncited conclusion of the Trial Chamber. Finally, the fact contains characterizations of an essentially legal nature regarding the nature of attacks and the intended victims.</p>			
			<p>Uncited conclusion of the Trial Chamber based generally on evidence of witnesses Henneberry, O'Keeffe, Mole and Bergeron.</p>
45	<p>General Galic, at times, intended to target civilians and the civilian population in the city of Sarajevo.</p>	<p>Galic Trial Judgement, para. 745</p>	
46	<p>General Galic acted in furtherance of a strategy to attack the civilian population of Sarajevo.</p>	<p>Galic Trial Judgement, para. 745</p>	<p>Uncited conclusion of the Trial Chamber .</p>
47	<p>The term "sniping" must be understood as direct targeting of individuals at a distance using any type of small calibre weapon.</p>	<p>Galic Trial Judgement, para. 184</p>	<p>Uncited.</p> <p>This clarification of terminology is irrelevant to the current proceedings and is not a factual finding of the Galic Trial Chamber.</p>

48	The city of Sarajevo came under extensive gunfire and was heavily shelled between September 1992 and August 1994.	See, for example, P358 (UNPROFOR report for November 1992); P618 (UN report for December 1992); D1826 (UNPROFOR weekly situation report for the period between 12 to 18 February 1993); D66 (Annex VI to 1994 UN report; P918 (UNPROFOR report of March 1993 – admitted under seal); P932 (UNPROFOR report of March 1993 – admitted under seal); P3689 (UNPROFOR report of October 1992 – admitted under seal).	The fact is not identifiable. Defense does not have the UNPROFOR reports from which the adjudicated fact was decided, some of which were admitted under seal.
49	A 1993 UNPROFOR report indicated that shelling had resulted in a "High level of civilian casualties relative to recent months".	P1963 (UNPROFOR situation report on 13-14 December 1993 – admitted under seal).	The fact is not identifiable. Defense does not have the UNPROFOR report from which the adjudicated fact was decided, which was admitted under seal. Furthermore, the fact contains an essentially legal conclusion, regarding the victims as "civilian casualties."
50	Between September 1992 and August 1994, on other occasions, UN sources attributed civilian injuries and deaths to SRK actions, including deliberate targeting.	Briquemont, T. 10037-9; Briquemont, T. 10103; P1928 (Letter from Rasim Delić dated 6 December 1993).	Proposed Fact 58 in referring generically to "UN sources" is excessively vague to meet the requirement of concreteness. Trial Chamber I in Prosecutor v. Momcilo Perisic found this exact reference to "UN Sources" in the Galic Trial judgement to be vague. See Case No. IT-04-81-PT, Decision on the Prosecutor's Motion to Take Judicial Notice of Adjudicated Facts, 26 June 2008, para. 20. Furthermore, the fact is not identifiable because Defense does not have the letter from Rasim Delić from which the adjudicated fact was decided.
51	Between September 1992 and August 1994 civilians and the civilian population as such, in ABiH-held areas of Sarajevo, were targeted from SRK-controlled territory.	Uncited conclusion of the Trial Chamber based generally on "the Trial Record"; Galic Trial Judgement, para. 213.	The fact is not distinct, concrete and identifiable in the original judgement. It is an uncited conclusion of the Trial Chamber. Furthermore, the fact contains an essentially legal conclusion, regarding the victims as "civilians."

52	Between September 1992 and August 1994, civilian patients received at the State Hospital outnumbered combatants by at least four to one.	Galic Trial Judgement, para 216.	Mandilovic, T. 1022.	Uncited conclusion of the Trial Chamber based	The fact is not distinct, concrete and identifiable in the original judgement. It is an uncited conclusion of the Trial Chamber. Furthermore, the fact contains essentially legal conclusions regarding the "deliberate" nature of attacks and the victims as "civilians."
53	Between September 1992 and August 1994, civilians were deliberately targeted while engaged in civilian activities or while in civilian locations.	Galic Trial Judgement, para. 217	Judgement, para. 217.		
54	Between September 1992 and August 1994, ambulances were also targeted. To avoid being fired upon they were sometimes driven at night, without their flashing lights, and not on main roads.	Galic Trial Judgement, para. 219	Mulaomerovic, T. 1632.		
55	Between September 1992 and August 1994, the Commander of the Ilijas Brigade of the SRK gave orders to his mortar battery to target ambulances, a marketplace, funeral procession, and cemeteries further north from the city, in Mrakovo.	Galic Trial Judgement, para. 219	Witness AD, T. 10741-2 (closed session); 10756 (closed session).		The fact is not identifiable because the relevant witness testimony was taken in closed session and redacted from trial transcripts. Furthermore, the relevant witness is unidentified.
56	Between September 1992 and August 1994, civilians in ABiH-held areas of Sarajevo deferred even basic survival tasks to times of reduced visibility, such as foggy weather or night time, because they were targeted otherwise.	Galic Trial Judgement, para. 222	Kupusovic, T. 662.		This fact contains a characterization of an essentially legal nature. The fact concludes that those mentioned are "civilians."
57	Between September 1992 and August 1994 civilians, in particular older people, would often collect wood at night, because they knew it was risky to travel during the day.	Galic Trial Judgement, para. 222	Ashton, T. 1129.		This fact is not identifiable. The Galic Trial Judgement incorrectly cites this fact to witness testimony from Ashton at T.1129. Witness Bakir Nakas gave testimony at T. 1129, and it did not concern this subject. Furthermore, this fact contains a characterization of an essentially legal nature. The fact concludes that those mentioned are "civilians."

58	<p>Between September 1992 and August 1994, schools were closed, and temporary neighborhood schools were established in cellars, to minimize the distance that children had to travel to their classes, and therefore minimise their exposure to sniping and shelling.</p> <p>Between September 1992 and August 1994, many civilians lived for a long period of time in the cellars of their buildings in order to avoid the shells. They learned to move around as little as possible, rarely leaving their apartments.</p> <p>Because obtaining food and water was fraught with danger, since both involved queuing for prolonged period with the risk of being targeted, between September 1992 and August 1994, the Civil Defense varied the sites for the distribution of food provided by humanitarian agencies.</p> <p>Between September 1992 and August 1994, when the water supply failed, international aid agencies supplied water pumps which were installed at suitable locations around the city. Residents had to wait, sometimes for a day, before their turn to fill their containers.</p>	<p>Galic Trial Judgement, para 222</p> <p>Mukanovic, T. 3086</p>
59	<p>Because obtaining food and water was fraught with danger, since both involved queuing for prolonged period with the risk of being targeted, between September 1992 and August 1994, the Civil Defense varied the sites for the distribution of food provided by humanitarian agencies.</p>	<p>Galic Trial Judgement, para. 222</p> <p>Omerovic, T. 3848-9; Kupusovic, T. 680-1; Pita, 3997.</p> <p>This fact contains a characterization of an essentially legal nature. The fact concludes that those mentioned are "civilians."</p>
60	<p>Between September 1992 and August 1994, when the water supply failed, international aid agencies supplied water pumps which were installed at suitable locations around the city. Residents had to wait, sometimes for a day, before their turn to fill their containers.</p>	<p>Galic Trial Judgement, para. 223</p> <p>Kovac, T.848.</p>
61	<p>Between September 1992 and August 1994, when the water supply failed, international aid agencies supplied water pumps which were installed at suitable locations around the city. Residents had to wait, sometimes for a day, before their turn to fill their containers.</p>	<p>Galic Trial Judgement, para. 223</p> <p>Kovac, T.846.</p>

62	Between September 1992 and August 1994, UN troops had to frequently modify the locations where citizens gathered to receive humanitarian aid in order to avoid being targeted by shells. Between September 1992 and August 1994, civilians venturing from their homes for these chores would often accompany each other, so that if they were wounded there would be assistance.	Galic Trial Judgement, para. 223	Kovac, T. 843; 871; see also Hafizovic, T. 7760-3 (shelling targeted Oslobodilaca Sarajevo Street where "it was well known" that humanitarian aid was distributed); Hadzic, T. 12294-5 (stating that anti-atomic shelters were used to deliver humanitarian aid).	This fact is not concrete in the original judgement. It was made from a statement of one witness about her own practice; not a statement about the practices of all civilians. Furthermore, this fact contains a characterization of an essentially legal nature. The fact concludes that those mentioned are "civilians."
63	Between September 1992 and August 1994, civilians developed alternative routes to traverse the city, which offered a greater degree of cover from sniper fire from SRK-held areas. Even so, these routes could afford no protection from shelling with indirect fire weapons, such as mortars.	Galic Trial Judgement, para. 224	Menzilovic, T.6982.	The fact is not identifiable because the relevant witness testimony was taken in closed session and redacted from trial transcripts. Furthermore, this fact contains a characterization of an essentially legal nature. The fact concludes that those mentioned are "civilians."
64		Galic Trial Judgement, para. 224.	Thomas, T. 9309-9311 (closed session).	The fact is not identifiable because the relevant witness testimony was taken in closed session and redacted from trial transcripts. Furthermore, this fact contains a characterization of an essentially legal nature. The fact concludes that those mentioned are "civilians."
65	Grbavica was a neighborhood in the Municipality of Novo Sarajevo located in the south-central part of the city of Sarajevo.	Galic Trial Judgement, para. 227.	Uncited.	The fact is not identifiable because it is uncited in the Galic Trial Judgement.

66	Between September 1992 and August 1994, Grbavica was under SRK control.	Galic Trial Judgement, para. 227.	Karavelic, T. 12005; Niaz, T. 9081; Lazic, T. 13755-6; Kolp, T. 8254, 8256; Kupusovic, T. 657; Hamill, T. 6174; Jusic, T. 3242; Milada Halili, T. 2732; Vidović, T. 4241; Golić, T. 14849 (defense witness); Radinović, T. 20901. Hamill, T. 6174; P3704 (pre-marked map of confrontation lines); DP10 (defense witness), T. 14328; D1776 (map marked by DP10).	The fact is based on an agreement between the parties to the original proceedings. The Trial Chamber decision states that "both parties are in agreement on this point."
67	Between September 1992 and August 1994, the confrontation line in Grbavica ran along the Miljacka River, with Grbavica lying to the south. The area of Vrace, to the southwest of Grbavica, was also under the control of the SRK, between September 1992 and August 1994.	Galic Trial Judgement, para. 227.	Vidovic, T. 4240-4241; Mandilovic, T. 1014; Velic, T. 2774, 2776-2777; P3644.DF (map marked by Fraser).	The fact is not identifiable. Defense does not have the maps from which the adjudicated fact was decided. Furthermore, a relevant witness is unidentified.
68		Galic Trial Judgement, para. 227.		The fact is not identifiable. Defense does not have the maps from which the adjudicated fact was decided.
69	Between September 1992 and August 1994, civilians in Novo Sarajevo were targeted from the SRK-controlled area of Grbavica.	Galic Trial Judgement, para. 228	Niaz, T. 9081; Kolp, T. 8243; Van Lynden, T. 2085, 2092-3, 2216-7; Ashton, T. 1221.	The fact contains an essentially legal conclusion by characterizing targets as "civilians."
70	Between September 1992 and August 1994, some areas of town were deliberately avoided by the population due to the danger of gunfire originating in Grbavica. The main thoroughfare of Sarajevo, part of which was then called Marshal Tito Boulevard, and Marin Dvor, a central district, were exposed to frequent gunfire from Grbavica.	Galic Trial Judgement, para. 229	Uncited.	The fact is not identifiable because it is uncited in the Galic Trial Judgement.

71	<p>Between September 1992 and August 1994, the main avenue in Sarajevo, which runs parallel to the Lijacka river from Stari Grad into the western part of town, became known as "Sniper Alley".</p> <p>The Jewish Cemetery of Sarajevo was located on the western slopes of Mount Trebevic.</p>	<p>Galic Trial Judgement, para. 229</p>	<p>Hermer, T. 8467.</p>	<p>The fact is not identifiable because it is uncited in the Galic Trial Judgement.</p>
72		<p>Galic Trial Judgement, para. 241</p>	<p>Uncited.</p>	
73	<p>Both belligerent parties held positions in the area of the Jewish cemetery of Sarajevo: the confrontation lines were separated by the width of the cemetery. The SRK was positioned on the south-western side of the cemetery, which the ABiH was stationed along the north-eastern wall.</p> <p>The confrontation lines in the area of the Jewish cemetery of Sarajevo remained unchanged throughout the conflict.</p>	<p>Galic Trial Judgement, para. 241</p>	<p>DP16 (defense witness), T. 16522-16523; D1809 (map marked by witness DP16); DP11 (defense witness), T. 14991, 15010-12; D1779 (map marked by witness); D1781 (electronic map marked by DP11); Vorobev (defense witness), T. 17382-3, 17390; D185 (map marked by witness); Golić (defense witness), T. 14889.</p>	<p>The fact is not identifiable. Defense does not have the maps from which the adjudicated fact was decided. Furthermore, relevant witnesses are unidentified.</p>
74	<p>The neighborhood of Hrasno was a residential area located in the south-western part of Sarajevo, adjacent to Grbavica.</p>	<p>Galic Trial Judgement, para. 241</p>	<p>DP11 (defense witness), T. 14992; DP16, T. 16531 (defense witness).</p>	<p>Relevant witnesses are unidentified.</p>
75		<p>Galic Trial Judgement, para. 259</p>	<p>Uncited.</p>	<p>The fact is not identifiable because it is uncited in the Galic Trial Judgement.</p>

76	Between September 1992 and August 1994, civilians in the neighborhood of Hrasno were exposed to shooting from several SRK positions.	Galic Trial Judgement, para. 260	Uncited but based generally on "testimonies heard by the Trial Chamber", Galic Trial Judgement, para. 260; see Tarić, T. 3140-1, 3147; 3195-8; Mukanović, T. 3084, 3115; Witness J, T. 8054.	The fact contains an essentially legal conclusion by characterizing targets as "civilians." Furthermore, a relevant witness is unidentified.
77	Between September 1992 and August 1994, the area of Hrasno Brdo in the vicinity of Ozrenska Street was a regular source of gunfire.	Galic Trial Judgement, para. 260	Uncited but based generally on "testimonies heard by the Trial Chamber", Galic Trial Judgement, para. 260; see Tarić, T. 3140-1, 3147; 3195-8; Mukanović, T. 3084, 3115; Witness J, T. 8054.	A relevant witness is unidentified.
78	Between September 1992 and August 1994, the neighbourhood of Hrasno was under ABiH control, including the lower parts of Hrasno Brdo or Hrasno Hill.	Galic Trial Judgement, para. 261	Uncited conclusion of the Trial Chamber based on witness testimony.	The fact is not identifiable in the original judgement. It is an uncited conclusion of the Trial Chamber.
79	Between September 1992 and August 1992, the SRK also had positions on Hrasno Brdo, in the area of Ozrenska Street, which ran along the top of the hill.	Galic Trial Judgement, para. 261	DP10 (defense witness), T. 14318.	A relevant witness is unidentified.

80	Between September 1992 and August 1994, the SRK controlled upper parts of Hrasno Brdo, including the area of Ozrenska Street and the ABiH held the lower parts of the hill.	Galic Trial Judgement, para. 261	Witness D, T. 2020. See Map 1 of Ex. 3637D (set of maps of area); Mukanović, T. 3082-4, 3115; P3235 (map marked by Mukanović); Tarić, T. 3140-3141, 3147; Kucanin, T. 4622, 4630; P3658 (map marked by Kucanin); Witness J, T. 8054; P3234 (map marked by Witness J).	The fact is not identifiable. Defense does not have the maps from which the adjudicated fact was decided. Furthermore, a relevant witness is unidentified.
	Between September 1992 and August 1994, civilians in Hrasno were targeted from the area of Grbavica.			
81	Alipasino Polje is a residential neighbourhood in the west of Sarajevo. It is bounded by Mojilo hill and the neighbourhood of Dobrinja to the south, and by the neighbourhood of Nedarici to the west and south-west.	Galic Trial Judgement, para. 264	Ashton, T. 1383; Witness I, T. 2853; Trto, T. 7098-9; Halili, T. 2730.	This fact is repetitive of fact no. 76. Furthermore, the fact contains an essentially legal conclusion by characterizing targets as "civilians." Furthermore, a relevant witness is unidentified.
82		Galic Trial Judgement, para. 290	P36644.RH; D1814 (maps).	The fact is not identifiable. Defense does not have the maps from which the adjudicated fact was decided.

83	<p>Between September 1992 and August 1994, the whole of Alipasino Polje was on the ABiH side of the confrontation line, which separated it from Nedarici. The line at this point extended from west to east and curved into ABiH-controlled territory. The result was that Nedarici was bordered on three sides by territory controlled by the ABiH; a west-running corridor connected this neighborhood with the more expansive SRK-controlled territory to the west.</p> <p>The Nedarici neighbourhood, where SRK held a salient in the ABiH lines between September 1992 and August 1994, consisted mostly of low buildings of one to two storeys.</p>	<p>Galic Trial Judgement, para. 290</p> <p>P36644.RH: D1814 (maps).</p>	<p>The fact is not identifiable. Defense does not have the maps from which the adjudicated fact was decided.</p>
84		<p>Galic Trial Judgement, para. 291</p> <p>Hajir, T. 1698.</p>	
85	<p>The portion of Nedarici east of Ante Babica Street and south of Dure Jaksica Street (now renamed Adija Mulebegovica), where there are higher buildings, was controlled by the ABiH, together with Alipasino Polje, between September 1992 and August 1994</p> <p>Close to the "Institute for the Blind", a group of buildings in the SRK-controlled territory of Nedarici, ABiH and SRK forces were only a few meters apart.</p>	<p>Galic Trial Judgement, para 291</p> <p>Uncited.</p>	<p>The fact is not identifiable because it is uncited in the Galic Trial Judgement.</p>
86		<p>Galic Trial Judgement, paras. 291, 290</p> <p>Witness DP8 (defense witness), T. 14726.</p>	<p>A relevant witness is unidentified.</p>

87	<p>Between September 1992 and August 1994, fighting in the Alipasino Polje area was intense, and soldiers fired from both sides constantly fired from and against the area.</p> <p>During the conflict, a barricade was placed to protect civilians against sniping from the SRK-held part of Nedarici in Ante Babica Street.</p> <p>The residential settlement of Dobrinja, which is situated alongside the airport to the south west of the city, was constructed as the athletes' village for the winter Olympics in Sarajevo in 1984.</p>	<p>Galic Trial Judgement, para. 292</p>	<p>Uncited.</p>	<p>The fact is not identifiable because it is uncited in the Galic Trial Judgement.</p>
88	<p>Kolp, T. 8243-4; P3644 MK (map marked by Kovac); Kovac, T. 877, 881.</p>	<p>Galic Trial Judgement, para. 292</p>	<p>Kolp, T. 8243-4; P3644 MK (map marked by Kovac); Kovac, T. 877, 881.</p>	<p>The fact is not identifiable. Defense does not have the maps from which the adjudicated fact was decided.</p>
89	<p>Galic Trial Judgement, para. 346</p>	<p>Galic Trial Judgement, para. 346</p>	<p>Uncited.</p>	<p>The fact is not identifiable because it is uncited in the Galic Trial Judgement.</p>
90	<p>In the early stages of the conflict prior to the period between September 1992 to August 1994, Dobrinja was isolated from the rest of the city.</p>	<p>Galic Trial Judgement, para. 346</p>	<p>Van Lynden, T.2183-4; 2210.</p>	<p>The fact is not identifiable because it is uncited in the Galic Trial Judgement.</p>
91	<p>Dzevlan, T. 3516; Karavelic, T. 11816, P3728 (electronic map marked by Vahid Karavelic); P3732 (map marked by Ismet Hadzic); DP9 (defense witness), T. 14459, T. 14464, T. 14496; D1770 (map marked by witness); D1771 (electronic map marked by DP9).</p>	<p>Galic Trial Judgement, para. 346</p>	<p>Dzevlan, T. 3516; Karavelic, T. 11816, P3728 (electronic map marked by Vahid Karavelic); P3732 (map marked by Ismet Hadzic); DP9 (defense witness), T. 14459, T. 14464, T. 14496; D1770 (map marked by witness); D1771 (electronic map marked by DP9).</p>	<p>The fact is not identifiable. Defense does not have the maps from which the adjudicated fact was decided. Furthermore, a relevant witness is unidentified.</p>

92	<p>The Orthodox Church in Dobrinja IV, which had been under construction when hostilities broke out and retained external scaffolding throughout the period between September 1992 and August 1994, was one of the sources of sniping fire against civilians in Dobrinja.</p>	<p>Galic Trial Judgement, para. 349</p>	<p>Sokolar, T. 3622.</p>	<p>The fact contains and essentially legal conclusion by characterizing targets as "civilians."</p>
93	<p>Between September 1992 and August 1994, the Orthodox Church in Dobrinja IV could be seen from the three bridges that linked Dobrinja II to Dobrinja.</p>	<p>Galic Trial Judgement, para. 349</p>	<p>Sokolar, T. 3622, 3581 see also P3097 (map marked by Refik Sokolar)</p>	<p>The fact is not identifiable. Defense does not have the maps from which the adjudicated fact was decided.</p>
94	<p>Between September 1992 and August 1994, three bridges were mostly used: the bridge closest to the eastern part of the confrontation line going from Emile Zola street to the square, the bridge used fro traffic connecting Dobrinja II and Dobrinja III, then a pedestrian bridge also connecting Dobrinja II and Dobrinja III.</p>	<p>Galic Trial Judgement, para. 349</p>	<p>Sokolar, T. 3622, 3623.</p>	
95	<p>Between September 1992 and August 1994, the Kosevo hospital was one of the two main medical facilities in Sarajevo in operation during the conflict.</p>	<p>Galic Trial Judgement, para. 497</p>	<p>Kupusović, T. 664-665; Eterović, T. 8844, 12519; Witness Y, T. 10947; Mole, T. 11109.</p>	<p>A relevant witness is unidentified.</p>

Between September 1992 and August 1994, the Kosevo hospital was formally known as the "Univeristy Clinical Centre of Sarajevo" or the "Clinical Centre of the University of Sarajevo" and consisted of a series of large buildings located in the north-eastern part of the center of Sarajevo.

96

Galic Trial
Judgement, para.
497

Witness DP51 (defense witness), T. 13582 (private session);
Gavrankapetanović, T. 12517.

A relevant witness is unidentified.

Many witnesses confirmed that either they or persons they knew were treated at the hospital during the conflict in Sarajevo. See for example Witness L, T. 2524, 2570; Jusović, T. 4150; Boškailo, T. 5052; Witness AK-1, T. 5484; Dzonko, T. 5648; Kapetanović, T. 5769; Pita, T. 5915; Fa'lić, T. 6611-2; Gavranović, T. 6715; Menzilović, T. 7045; Mehonić, T. 7331; Witness AI, T. 7666; Ljusa, T. 7866-7, 7879; Kapetanović, T. 7957; Arifagić, T. 12713; Witness DP51, T. 13627.

This fact is repetitive of fact no. 99. Furthermore, relevant witnesses are unidentified.

Between September 1992 and August 1994, the Kosevo hospital was a widely known civilian medical facility.

97

Galic Trial
Judgement, para.
497

98	<p>Between September 1992 and August 1994, attacks on Kosevo hospital caused the death or injury of civilians present at the hospital, significantly damaged its infrastructure, and substantially reduced the medical facility's ability to treat patients. The Kosevo hospital, a well-known civilian medical facility, was regularly targeted between September 1992 and August 1994 by the SRK.</p>	<p>Galic Trial Judgement, para. 509</p>	<p>Uncited conclusion of the Trial Chamber.</p>	<p>The fact is an uncited conclusion of the Trial Chamber that forms a legal conclusion with regard to the identity of victims as "civilians."</p>
99	<p>Between September 1992 and August 1994 the Kosevo hospital buildings themselves were, on occasions, directly targeted, resulting in civilian casualties.</p>	<p>Galic Trial Judgement, para. 509</p>	<p>Uncited conclusion of the Trial Chamber.</p>	<p>The fact is an uncited conclusion of the Trial Chamber that forms a legal conclusion regarding the deliberate nature of attacks on a particular civilian location.</p>
100	<p>Between September 1992 and August 1994, the area known as Spicasta Stijena or "Spikey Rock" or "Sharpstone" was under the control of the SRK during the conflict. The SRK controlled the immediate vicinity of Spicasta Stijena between September 1992 and August 1994, with the ABiH positioned nearby, below the ridgeline. Civilians in the area of Sedrenik experienced indiscriminate or direct small-arms fire originating from Spicasta Stijena, SRK-controlled territory, between September 1992 and August 1994.</p>	<p>Galic Trial Judgement, para. 511, 510</p>	<p>Uncited conclusion of the Trial Chamber. Prosecution Final Trial Brief, Galic Trial Judgement, para. 256. Witness DP53 (defense witness), T. 16114-5; Nikolić (defense witness), T. 15962.</p>	<p>This fact is repetitive of facts 98 and 99. Moreover, it is an uncited conclusion of the Trial Chamber that forms a legal conclusion with regard to the identity of victims as "civilians."</p>
101	<p>Between September 1992 and August 1994, the area known as Spicasta Stijena or "Spikey Rock" or "Sharpstone" was under the control of the SRK during the conflict. The SRK controlled the immediate vicinity of Spicasta Stijena between September 1992 and August 1994, with the ABiH positioned nearby, below the ridgeline. Civilians in the area of Sedrenik experienced indiscriminate or direct small-arms fire originating from Spicasta Stijena, SRK-controlled territory, between September 1992 and August 1994.</p>	<p>Galic Trial Judgement, para. 513</p>	<p>Uncited.</p>	<p>The fact is not identifiable because it is uncited in the Galic Trial Judgement.</p>
102	<p>Between September 1992 and August 1994, attacks on Kosevo hospital caused the death or injury of civilians present at the hospital, significantly damaged its infrastructure, and substantially reduced the medical facility's ability to treat patients. The Kosevo hospital, a well-known civilian medical facility, was regularly targeted between September 1992 and August 1994 by the SRK.</p>	<p>Galic Trial Judgement, para. 526</p>	<p>Uncited conclusion of the Trial Chamber.</p>	<p>The fact is an uncited conclusion of the Trial Chamber that forms a legal conclusion regarding the nature of attacks and the nature of victims as "civilians."</p>
103	<p>Between September 1992 and August 1994, attacks on Kosevo hospital caused the death or injury of civilians present at the hospital, significantly damaged its infrastructure, and substantially reduced the medical facility's ability to treat patients. The Kosevo hospital, a well-known civilian medical facility, was regularly targeted between September 1992 and August 1994 by the SRK.</p>	<p>Galic Trial Judgement, para. 526</p>	<p>Uncited conclusion of the Trial Chamber.</p>	<p>The fact is an uncited conclusion of the Trial Chamber that forms a legal conclusion regarding the nature of attacks and the nature of victims as "civilians."</p>

104	Between September 1992 and August 1994, the SRK and the ABiH faced each other along a confrontation line located in the south-eastern quadrant of Sarajevo, with the ABiH controlling the northern base of Mount Trebevic.	Galic Trial Judgement, para. 528	D1778 (Map marked by Witness DP11); D1809 (Map marked by Witness DP16); P3728 (Map related to scheduled sniping incident number 11 marked by Vahid Karavelić).	The fact is not identifiable. Defense does not have the maps from which the adjudicated fact was decided.
105	Between September 1992 and August 1994, immediately east of the northern base of Mount Trebevic, ABiH troops also controlled elevated positions in the vicinity of a hill called Colina Kapa.	Galic Trial Judgement, para. 528	Harding, T. 4460; Witness DP11 (defense witness), T. 15004; Golić, T. 14868; Witness DP20 (defense witness), T. 15657; D1778 (Map marked by Witness DP11); P3704 (Map of Sarajevo); P3644.CH (Map of Sarajevo).	The fact is not identifiable. Defense does not have the maps from which the adjudicated fact was decided. Furthermore, relevant witnesses are unidentified.
106	Between September 1992 and August 1994, the SRK deployed forces in the area enabling it to control much of the remainder of Mount Trebevic including upper regions affording a view of Sarajevo.	Galic Trial Judgement, para. 529	Radinović, T. 20865.	
107	Between September 1992 and August 1994, except for an area to the north and northwest, much of Mount Trebevic, including its upper regions, lay in SRK-held territory.	Galic Trial Judgement, para. 529	P3704 (Map of Sarajevo); Mole, T. 9523-4.	This fact is repetitive of fact 106. Moreover, the fact is not identifiable. Defense does not have the maps from which the adjudicated fact was decided.
108	Between September 1992 and August 1994, civilians experienced regular gunfire in the neighborhood of Sirokaca.	Galic Trial Judgement, para. 531	Ekrem Pita, T. 4011; Fatima Pita, T. 5906.	The fact is an uncited conclusion of the Trial Chamber that forms a legal conclusion regarding the nature of victims as "civilians." Moreover, the fact is not concrete, as it is unclear what is meant by "experienced." Persons could have either witnessed gunfire or suffered from gunfire attacks.

- Between September 1992 and August 1994, many hundreds of civilians were killed and thousands were injured in ABiH-controlled areas.
- 109 Galic Trial
Judgement, para. 581 Uncited conclusion of the Trial Chamber based on the Tabeau Report, p3731. The fact is not identifiable. Defense does not have the Tabeau from which the adjudicated fact was decided. Furthermore, the fact is an uncited conclusion of the Trial Chamber that forms a legal conclusion regarding the nature of victims as "civilians."
- Between September 1992 and August 1994, no civilian activity and no area of Sarajevo held by the ABiH seemed to its residents to be safe from sniping or shelling attack from SRK-held territory
- 110 Galic Trial
Judgement, para. 584 Uncited conclusion of the Trial Chamber based on witness testimony by residents of ABiH-held areas of Sarajevo. This fact differs significantly from the formulation in the Trial Chamber Judgement. That Judgement stated, "**All residents of ABiH-held areas of Sarajevo who appeared before this Trial Chamber testified to the effect that** no civilian activity and no areas of Sarajevo held by the ABiH seemed to be safe from sniping or shelling attacks from SRK-held territory." By eliminating the context of the statement, the reformulated fact appears as a Trial Chamber finding that all residents thought no area was safe from attacks. In comparison, the Trial Chamber's statement concludes that all those who testified before the Chamber felt that no area was safe from attack.
- Between September 1992 and August 1994, civilians were targeted during funerals, in ambulances, in hospitals, on trams, on buses, when driving or cycling, at home, while tending gardens or fire or clearing rubbish in the city.
- 111 Galic Trial
Judgement, paras. 584, 284, 359, 276 Uncited conclusion of the Trial Chamber. This fact is repetitive of facts 112-115. Furthermore, the fact is an uncited conclusion of the Trial Chamber that forms a legal conclusion regarding the nature of victims as "civilians."
- Between September 1992 and August 1994, civilians were targeted while using public transport vehicles running during cease-fires in Dobrinja and in Novo Sarajevo.
- 112 Galic Trial
Judgement, paras. 584, 258, 367 Uncited conclusion of the Trial Chamber. The fact is an uncited conclusion of the Trial Chamber that forms a legal conclusion regarding the nature of victims as "civilians."
- Between September 1992 and August 1994, civilians were repeatedly and deliberately targeted in Koblija Glava and while crossing intersections in Novo Sarajevo, in Hrasno, in Dobrinja, in Novi Grad, in Alipsaino Polje, or in Stari Grad.
- 113 Galic Trial
Judgement, paras. 584, 317, 321 Uncited conclusion of the Trial Chamber. The fact is an uncited conclusion of the Trial Chamber that forms a legal conclusion regarding the nature of victims as "civilians" and the deliberate nature of attacks.

- 114** Between September 1992 and August 1994, civilians were targeted while fetching water in Dobrinja IV, in Dobrinja, in Novi Grad, and in Kobilja Glava.
 Galic Trial Judgement, paras. 584, 356, 429, 431-432, 555
 Uncited conclusion of the Trial Chamber.
 The fact is an uncited conclusion of the Trial Chamber that forms a legal conclusion regarding the nature of victims as "civilians."
- 115** Between September 1992 and August 1994, children were targeted in schools, or while playing outside, riding a bicycle, near their home, or in the street.
 Galic Trial Judgement, paras. 584, 535-537, 523, 289, 345
 Uncited conclusion of the Trial Chamber.
 The proposed fact is excessively vague by referring to "'most populated areas", without explaining which areas they were. Furthermore, the statement includes the vague formulation "seemed to be." Trial Chamber I in Prosecutor v. Momcilo Perisic found this purported fact to be vague for these reasons. See Decision on the Prosecutor's Motion to Take Judicial Notice of Adjudicated Facts, Case No. IT-04-81-PT, 26 June 2008, note 42.
- 116** Between September 1992 and August 1994, the most populated areas of Sarajevo seemed to be particularly subject to indiscriminate or random shelling attacks.
 Galic Trial Judgement, para. 584
 Uncited conclusion of the Trial Chamber.
 The fact differs significantly from its formulation in the Galic Trial Chamber Judgement. That Judgement states, "Hadzic testified about every single part of Dobrinja, a very populated neighbourhood, exposed to severe shelling originating from SRK-controlled territory." The Trial Chamber's statement simply described what Hadzic testified about - all parts of Dobrinja exposed to severe shelling. As reformulated, the proposed fact concludes that all parts of Dobrinja were exposed to severe shelling. The Trial Chamber's finding does not support this conclusion.
- 117** Between September 1992 and August 1994, every single part of Dobrinja, a very populated neighborhood, was exposed to severe shelling originating from SRK-controlled territory
 Galic Trial Judgement, para. 584
 Uncited conclusion of the Trial Chamber.
 The Galic Trial Chamber Judgement states, "Photographs adduced into evidence show the extensive destruction of civilian inhabitations in Sarajevo during the Indictment Period." This slight difference in formulation is significant. The Trial Chamber's finding concluded that there was a severe amount of destruction caused to the buildings in the photographs mentioned. The reformulation of the fact omits any reference to the photographs. Thus, the fact mistakenly implies that destructions of Sarajevo inhabitations was extensive, not that there was extensive destruction to the inhabitations photographed and entered into evidence at trial.
- 118** Between September 1992 and August 1994, there was an extensive destruction of civilian inhabitations in Sarajevo.
 Galic Trial Judgement, para. 584
 Uncited conclusion of the Trial Chamber.

119	<p>The natural and urban topography of the city of Sarajevo, such as ridges and high-rise buildings, provided vantage-points to SRK forces to target civilians moving around the city between September 1992 and August 1994. Between September 1992 and August 1994, there were specific areas throughout the city of Sarajevo which became notorious as sources of sniping fire directed at civilians.</p>	<p>Galic Trial Judgement, para. 585</p>	<p>Uncited conclusion of the Trial Chamber.</p>	<p>The fact is an uncited conclusion of the Trial Chamber that forms a legal conclusion regarding the nature of victims as "civilians" and the deliberate nature of attacks.</p>
120	<p>Between September 1992 and August 1994, in the general area of Grbavica, fire was opened against civilians from different high-rise buildings on the southern side of the Miljacka River, in the SRK-controlled neighbourhood of Grbavica. These positions allowed soldiers to "literally shoot down streets" in the central part of Sarajevo, exposing all pedestrians at intersections, as well as cars, buses and trams travelling from the east to the west of the city, to sniper fire. Between September 1992 and August 1994, the main thoroughfare of Sarajevo, part of which was then called Marshal Tito Boulevard, became known as "Sniper Alley" as it was particularly prone to regular gunfire.</p>	<p>Galic Trial Judgement, para. 585</p>	<p>Uncited conclusion of the Trial Chamber.</p>	<p>The fact is an uncited conclusion of the Trial Chamber that forms a legal conclusion regarding the nature of victims as "civilians" and the deliberate nature of attacks.</p>
121	<p>Between September 1992 and August 1994, the main thoroughfare of Sarajevo, part of which was then called Marshal Tito Boulevard, became known as "Sniper Alley" as it was particularly prone to regular gunfire.</p>	<p>Galic Trial Judgement, para. 585</p>	<p>Uncited conclusion of the Trial Chamber based on witness testimony by Van Lynden and Faud Sehbajraktarevic.</p>	<p>The fact is an uncited conclusion of the Trial Chamber that forms a legal conclusion regarding the nature of victims as "civilians" and the deliberate nature of attacks.</p>
122		<p>Galic Trial Judgement, para. 585</p>	<p>Uncited conclusion of the Trial Chamber.</p>	<p>This fact is repetitive of fact no. 71.</p>

123	Between September 1992 and August 1994, containers were set up at intersections, such as near the Presidency and Energoinvest buildings and in proximity to the Holiday Inn, to shield civilians against fire coming from the tall buildings in Grbavica.	Galic Trial Judgement, para. 585	Uncited conclusion of the Trial Chamber.	The fact is an uncited conclusion of the Trial Chamber that forms a legal conclusion regarding the nature of victims as "civilians."
124	Between September 1992 and August 1994, the central district of Marin Dvor, in particular Marin Dvor square, was also particularly targeted from Grbavica.	Galic Trial Judgement, para. 585	Uncited conclusion of the Trial Chamber.	
125	Between September 1992 and August 1994, throughout the city of Sarajevo, there were points in SRK-controlled territory, such as the Jewish Cemetery, the Orthodox Church and the School for the Blind in the areas of Nedarici, Spicasta Stijena, Mount Trebevic and Baba Stijena or Orahov Brijeg which were prominent sources of sniper fire against civilians.	Galic Trial Judgement, para. 585	Uncited conclusion of the Trial Chamber.	The fact is an uncited conclusion of the Trial Chamber that forms a legal conclusion regarding the nature of victims as "civilians."
126	Between September 1992 and August 1994, the same pattern of regular fire at civilians from SRK-controlled positions or areas appears consistently throughout ABiH-held areas of the city of Sarajevo.	Galic Trial Judgement, para. 585	Uncited conclusion of the Trial Chamber.	The fact is an uncited conclusion of the Trial Chamber that forms a legal conclusion regarding the nature of victims as "civilians."

127	<p>Between September 1992 and August 1994, although civilians adapted to that hostile environment by closing schools, living at night, hiding during the day in their apartment or cellar, moving around the city of Sarajevo as little as possible, setting up containers and barricades to provide shelter against sniping fire, they were still not safe from sniping and shelling fire from SRK-controlled territory.</p>	<p>Galic Trial Judgement, para. 586</p>	<p>Uncited conclusion of the Trial Chamber.</p>	<p>The fact is an uncited conclusion of the Trial Chamber that forms a legal conclusion regarding the nature of victims as "civilians."</p>
128	<p>Between September 1992 and August 1994, civilians who were seen through gaps between containers set up along streets and main avenues in the city of Sarajevo, were targeted from SRK-controlled territory.</p>	<p>Galic Trial Judgement, para. 586</p>	<p>Uncited conclusion of the Trial Chamber.</p>	<p>The fact is an uncited conclusion of the Trial Chamber that forms a legal conclusion regarding the nature of victims as "civilians" and the deliberate nature of attacks. The fact is uncited and forms a legal conclusion regarding the nature of victims as "civilians." Furthermore, the fact, as reformulated, differs significantly from its original formulation. The Galic Trial Chamber Judgement stated, "[Ashton and Hvaal] testified that they saw civilians being shot at almost every day."</p>
129	<p>Between September 1992 and August 1994, civilians were shot at almost every day.</p>	<p>Galic Trial Judgement, para. 588</p>	<p>Uncited conclusion of the Trial Chamber based on witness testimony by Ashton and Hvaal.</p>	
130	<p>Between September 1992 and August 1994, ABiH-held territory, including most of the city, was almost completely surrounded by SRK forces and distances were so short in some areas that one belligerent party could fire into the territory of the other party and also over that territory into its own positions.</p>	<p>Galic Trial Judgement, para. 589</p>	<p>Uncited conclusion of the Trial Chamber.</p>	

131	Between September 1992 and August 1994, the pattern of fire throughout the city of Sarajevo was that of indiscriminate or direct fire at civilians in ABiH held areas of Sarajevo from SRK-controlled territory not that of combat fire where civilians were accidentally hit.	Galic Trial Judgement, para. 589	Uncited conclusion of the Trial Chamber.	The fact is an uncited conclusion of the Trial Chamber that forms a legal conclusion regarding the nature of victims as "civilians" and the indiscriminate nature of fire.
	Between September 1992 and August 1992, fire into ABiH-held areas of Sarajevo followed a temporal pattern.	Galic Trial Judgement, para. 590	Uncited conclusion of the Trial Chamber.	
132				The fact is misleading in the context in which it is placed in the moving party's motion. Fact nos. 133 and 134 were presented in the Trial Chamber Judgement as one sentence that described the temporal pattern of fire mentioned in fact no. 132. Specifically, the Judgement states: "Fire into ABiH-held areas of Sarajevo followed a temporal pattern. Fire into that city was intense between September and December 1992, still important throughout the year 1993, with daily or weekly fluctuations... with an intensification of fire in winter 1993 and up to the wake of the Markale shelling incident in February 1994 and then subsided." By separating out the clause "Fire into the city was intense between September and December 1992" the meaning and context of the Trial Chamber's finding is altered. Rather than describing a pattern of fire, the distinct phrase denotes a large amount of fire.
133	Fire into Sarajevo was intense between September and December 1992.	Galic Trial Judgement, para. 590	Uncited conclusion of the Trial Chamber.	
	Fire into Sarajevo was still important throughout the year 1993, with daily or weekly fluctuations (days of little shootings followed by days of extreme activity), with an intensification of fire in winter 1993 and up to the wake of the Markale shelling incident in February 1994 and then subsided.	Galic Trial Judgement, para. 590	Uncited conclusion of the Trial Chamber.	
134				

135	In Sarajevo between September and December 1992, there was a constant background noise of small arm, mortar and artillery fire.	Galic Trial Judgement, para. 590	Uncited conclusion of the Trial Chamber based on witness testimony by Mole.	The fact, as reformulated, differs substantially from its original formulation in the Galic Trial Chamber Judgement. That Judgement states, "The Majority recalls the testimony of Mole, present in Sarajevo between September and December 1992, who said that there was a constant background noise of small arm, mortar and artillery fire."
136	Between September 1992 and August 1994, women and children were the predominant target.	Galic Trial Judgement, para. 592	Uncited conclusion of the Trial Chamber based on witness testimony by Van Baal.	The fact, as reformulated, differs substantially from its original formulation in the Galic Trial Chamber Judgement. That Judgement states, "[Witness] Van Baal even emphasised that women and children were the predominant target."
137	Between September 1992 and August 1994, the objective the SRK pursued was to make every inhabitant of Sarajevo feel that nobody was sheltered from the shooting.	Galic Trial Judgement, para. 592	Uncited conclusion of the Trial Chamber based on witness testimony by Witness Y.	The fact, as reformulated, differs substantially from its original formulation in the Galic Trial Chamber Judgement. That Judgement states, "For Witness Y, 'the objective they [the SRK] pursued was to make every inhabitant in Sarajevo feel that nobody was sheltered or protected from... the shooting.' Furthermore, the fact is not identifiable as it is based on witness testimony of an unidentified, protected witness. Lastly, the relevant witness is unidentified. The fact contains an essentially legal conclusion regarding allegedly unlawful nature of attacks because they were 'not aimed at military objectives.' Furthermore, the fact, as reformulated, differs substantially from its original formulation in the Galic Trial Chamber Judgement. That Judgement states, 'For Witness Y, ... the shooting was not aimed at military objectives but rather to increase the helplessness of the population.'" Furthermore, the fact is not identifiable as it is based on witness testimony of an unidentified, protected witness. Lastly, the relevant witness is unidentified.
138	Between September 1992 and August 1994, the shooting was not aimed at military objectives but rather to increase the helplessness of the population. Between September 1992 and August 1994, the attacks on civilians were numerous, but were not consistently so intense as to suggest an attempt by the SRK to wipe out or even deplete the civilian population through attrition.	Galic Trial Judgement, para. 592	Uncited conclusion of the Trial Chamber based on witness testimony by Witness Y.	The fact is an uncited conclusion of the Trial Chamber that forms a legal conclusion regarding the nature of victims as "civilians."
139	Between September 1992 and August 1994, the attacks on civilians had no discernible significance in military terms.	Galic Trial Judgement, para. 593	Uncited conclusion of the Trial Chamber based on evidence presented.	This fact is repetitive of fact 138. Furthermore, the fact forms a legal conclusion regarding the nature of victims as "civilians" and the unlawful nature of the attacks as not aimed at legitimate military targets.
140				

- 141** Ramiz Velic was a civilian who was deliberately targeted from SRK-controlled territory in Vrace on 2 November 1993.
Galic Trial Judgement, paras. 276, 272-273
Uncited conclusion of the Trial Chamber based on witness testimony presented by Velic, T. 2769-2838.
The fact forms a legal conclusion regarding the legal status of a particular victim as a "civilian."
- 142** On 25 June 1993 a civilian was shot deliberately from SRK-controlled territory.
Galic Trial Judgement, para. 551
Uncited conclusion of the Trial Chamber based on witness testimony presented by Witness G, T. 2399-2473, and Witness K, T. 2492.
The fact forms a legal conclusion regarding the legal status of a particular victim as a "civilian." Furthermore, the relevant witnesses are unidentified.
- 143** In July 1993 Marija Jusovic was fired upon from SRK-controlled territory in reckless disregard of the possibility that she was a civilian.
Galic Trial Judgement, para. 523
Uncited conclusion of the Trial Chamber based on witness testimony presented by Mejra Lusovic, T. 4138-4212, and Witness E, T. 4034-4068.
The fact forms a legal conclusion regarding the status of a particular victim as a "civilian" and the indiscriminate nature of an attack. Furthermore, a relevant witness is unidentified.
- 144** In August 1993 civilian Vildana Kapur was deliberately targeted from SRK-controlled territory.
Galic Trial Judgement, para. 555
Uncited conclusion of the Trial Chamber based on witness testimony presented by Ifeta Sahic, T. 2588-2647.
The fact forms a legal conclusion regarding the status of a particular victim as a "civilian."
- 145** On 9 November 1993 civilian Fatima Osmanovic was targeted from an SRK-controlled area in full awareness of the high risk that the target was a civilian.
Galic Trial Judgement, para. 433
Uncited conclusion of the Trial Chamber based on witness testimony presented by Menzilovic, T. 6991-7060.
The fact forms a legal conclusion regarding the status of a particular victim as a "civilian."
- 146** On 27 June 1993, a civilian was deliberately targeted and killed by a shot fired from SRK-controlled territory in Grbavica.
Galic Trial Judgement, paras. 247, 253
Uncited conclusion of the Trial Chamber based on witness testimony presented by Sabri Halili, T. 2660-2679, and Milada Halili, T. 2731-2758.
The fact forms a legal conclusion regarding the status of a particular victim as a "civilian" and the deliberate nature of an attack.

- 147** There was no ongoing fighting when Anisa Pita and her father left their house in the morning on 13 December 1992 between 10 and 10:30am. Galic Trial Judgement, para. 532 Ekrem Pita, T. 3971-2, 3974, 3977 and 4010; Fatima Pita, T. 5880-1, 5889.
- This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
- 148** They went to a water source about 150 meters from the house and people were already there so that they had to wait in line. Galic Trial Judgement, para. 532 Fatima Pita, T. 5581; Ekrem Pita, T. 3974-6.
- This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
- 149** Anisa Pita remained only a short while at the water source; she met there another child named Elma Smajken and both girls decided to go back to the Pitas' house to play. Galic Trial Judgement, para. 532 Fatima Pita, T. 5881-2 and 5901; Ekrem Pita, T. 3974-6.
- This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
- 150** The fog had lifted by the time Anisa Pita reached her house. Galic Trial Judgement, para. 533 Fatima Pita, T. 5892.
- This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
- 151** Both parents inspected their daughter and found that she had been injured above the knee of her right leg by a bullet which had subsequently exited the girl's body. Galic Trial Judgement, para. 534 Fatima Pita, T. 5883; Ekrem Pita, T. 3976-7.
- This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.

152	<p>The SRK operated from the general area of a ridge known as Baba Stijena.</p>	<p>Galic Trial Judgement, para. 535</p>	<p>P3704 (Map of Sarajevo); Van Lynden, T. 2103; D1925 (Report by Defence military expert Radovan Radinović).</p> <p>This fact is repetitive of fact no. 125. The fact is not identifiable. Defense does not have the maps from which the adjudicated fact was decided. Furthermore, considering this purported fact independently, the time period of the events described therein is not clear.</p>
153	<p>The distance from Anisa Pita's house to Baba Stijena was 900 metres.</p>	<p>Galic Trial Judgement, para. 535</p>	<p>Map D49; Ekrem Pita, T. 3991 and 4003.</p> <p>Uncited conclusion of the Trial Chamber based on witness testimony presented by Fatima and Ekrem Pita (above).</p> <p>The fact is not identifiable. Defense does not have the maps from which the adjudicated fact was decided. Furthermore, this fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.</p>
154	<p>Anisa Pita was injured by a shot fired from the area of the ridge known as Baba Stijena.</p>	<p>Galic Trial Judgement, para. 535</p>	<p>Uncited conclusion of the Trial Chamber based on witness testimony presented by Fatima and Ekrem Pita (above).</p> <p>This fact is repetitive of fact nos. 147 and 152-4. Furthermore, it contains characterizations of an essentially legal nature regarding the "civilian" status of a victim and the "deliberate" nature of attacks.</p>
155	<p>On 13 December 1992 Anisa Pita, a three-year old civilian, was deliberately targeted and injured by a shot from an area that SRK soldiers had access to.</p>	<p>Galic Trial Judgement, paras. 535-537</p>	<p>Uncited conclusion of the Trial Chamber based on witness testimony presented by Witness DP53 (defense witness), T. 15114-16170; Witness DP 20 (defense witness), T. 15770-7; Thomas, T. 9255, 9325; Witness E, T. 4033, 4067, 4072-3; Ocuz, T. 4164-6, 4188.</p> <p>This fact is repetitive of fact nos. 101-2. Furthermore, relevant witnesses are unidentified.</p>
156	<p>The SRK controlled the immediate vicinity of Spicasta Stijena between September 1992 and August 1994 with the ABiH positioned nearby, below the ridgeline.</p>	<p>Galic Trial Judgement, para. 513</p>	

157	<p>The weather was sunny and a nine-year old girl known as Witness E in the Prosecutor v. Galic (Case No. IT-98-29), who was wearing dark trousers and a blue jacket, had gone outside into her front yard to play underneath a window of her house in Sedrenik.</p>	<p>Galic Trial Judgements, paras. 515, 514</p>	<p>Witness E, T. 4034-5; 4084 and 4090.</p>	<p>This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence. Lastly, the relevant witness is unidentified.</p>
158	<p>The bullet hit Witness E in "the area of [her] shoulder blade... went through [her] body and ended up in he wall" behind her. Some unspecified time thereafter that same day, Witness E was transported in a car to a hospital in Sarajevo with the help of neighbours. A shot was fired at the car as it pulled away from Witness E's house, hitting the back.</p>	<p>Galic Trial Judgement, para. 515</p>	<p>Witness E, T. 4038; see also Witness E, T. 4039</p>	<p>This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence. Lastly, the relevant witness is unidentified.</p>
159		<p>Galic Trial Judgement, para. 515</p>	<p>Witness E, T. 4039-40 and 4067. Witness DP53 (defense witness), T. 16170, 16177-8; 16178; Nikolić, T. 15961-2, 15981; Thomas, T. 9325; DP20, T. 15770-1; Witness E, T. 4067, 4072-3; Ocuz, T. 4166, 4188. Uncited conclusion of the Trial Chamber based on evidence presented (above).</p>	<p>This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence. Lastly, the relevant witness is unidentified.</p>
160	<p>Spicasta Stijena afforded a view of Sedrenik and was controlled by the SRK</p>	<p>Galic Trial Judgement, para. 516</p>		<p>This fact is repetitive of fact nos. 101-2 and 156. Furthermore, a relevant witness is unidentified.</p>
161	<p>The bullet which injured Witness E was fired from the area of Spicasta Stijena.</p>	<p>Galic Trial Judgement, para. 516</p>		

162	There was no military equipment or personnel near Witness E at the time and place of the incident.	Galic Trial Judgement, para. 517	Witness E, T. 4069 and 4099-4100.	The relevant witness is unidentified. This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
163	Some time after she was shot, Witness E along with others was targeted again from the direction of Spicasta Stijena as she was being taken to the hospital.	Galic Trial Judgement, para. 517	Uncited. Uncited conclusion of the Trial Chamber based on evidence presented (above).	This fact is repetitive of fact nos. 157-8. Furthermore, it contains characterizations of an essentially legal nature regarding the "civilian" status of a victim and the "deliberate" nature of attacks.
164	Witness E, a civilian, was deliberately targeted from SRK-controlled territory.	Galic Trial Judgement, para. 518		
165	On 11 July 1993, Muneira Zametica was filling her bucket with water from the Bobrinja river when she was shot. It was too dangerous for Sadiha Sahinovic and for Vahida Zametica, the 16-year old daughter of the victim who came to assist once alerted of the incident, to leave the protections of the bridge over the Dobrinja River. Muneira Zametica was lying face down in the river, blood coming out of her mouth. Vahida Zametica heard the shooting continue and saw the bullets hitting the water near her mother.	Galic Trial Judgement, para. 352	Sahinovic, T. 3416-8, 3422, 3436, 3440; Zametica, T. 3482-5, 3501	This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.

166	ABIH soldiers passing by the bridge saw what had happened, positioned themselves on the bridge behind sandbags and shot into the direction of the Orthodox Church.	Galic Trial Judgement, para. 352	Sahinovic, T. 3418, 3432-3, 3438, 3453	Considering this fact independently, the phrase "what had happened" is vague. Furthermore, this fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
167	The victim, Muneira Zametica, was pulled out of the water and taken to a hospital; she died later that afternoon. There was a line of sight between the tower of the Orthodox Church and the spot where Muneira Zametica was shot.	Galic Trial Judgement, para. 352	Sahinovic, T. 3418, 3453	This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
168		Galic Trial Judgement, para. 354	Uncited conclusion of the Trial Chamber based on photographs of the area tendered into evidence.	The fact is not identifiable. Defense does not have the photographs from which the adjudicated fact was decided.
169	The area of the Orthodox Church from where the fire came was within SRK-controlled territory. At a distance of 1100 metres, a well-equipped perpetrator would have been able to observe the civilian appearance of Munira Zametica, a 48 year old civilian woman.	Galic Trial Judgement, para. 354	Dzevlan, T. 3516; Karavelic, T. 11816, P3728 (electronic map marked by Vahid Karavelic); P3732 (map marked by Ismet Haddic); DP9, T. 14459, 14464, 14496; D1770 (map marked by witness); D1771 (electronic map marked by DP9).	This fact is repetitive of fact 125. Furthermore, the fact is not identifiable. Defense does not have the maps from which the adjudicated fact was decided. Lastly, a relevant witness is unidentified.
170		Galic Trial Judgement, para. 355	Uncited conclusion of the Trial Chamber based on evidence presented (above).	The fact contains characterizations of an essentially legal nature regarding the "civilian" status of a victim.

This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.

This fact is repetitive of fact nos. 169 and 171. Furthermore, it contains characterizations of an essentially legal nature regarding the "civilian" status of a victim and the "deliberate" nature of attacks.

Uncited conclusion of the Trial Chamber based on witness testimony presented by Zametica, T. 3484-5.

Galic Trial Judgement, para. 355

The perpetrator repeatedly shot toward Munira Zametica, preventing rescuers from approaching her.

171

Uncited conclusion of the Trial Chamber based on evidence presented (above).

Galic Trial Judgement, para. 356

On 11 July 1993 Munira Zametica, a civilian, was deliberately shot from SRK-held territory.

172

P3105 (map of area); Nafa

Taric, T. 3129-30, 3200-1. This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.

See also P3280.1 (videotape), T. 3136-8; P3279.H (360 degree photograph of the location of scheduled sniping incident 10), 3148-51.

Galic Trial Judgement, para. 267

On 3 September 1993 Nafa Taric and her eight year old daughter Elma Taric walked from their apartment in Hrasno down Ivan Krdeljia Street.

173

This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.

Nafa Taric, T. 3131; D35 (Statement given to OTP), p. 2. See P3268 (set of photographs of site of event); T. 3139-40.

Galic Trial Judgement, para. 267

They crossed the street holding hands behind a line of containers installed to provide protection against SRK snipers from the area of Ozrenska Street.

174

This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.

Nafa Taric, T. 3131; D35 (Statement given to OTP), p.2.

Galic Trial Judgement, para. 267

As they emerged from the cover of the barriers, they were shot.

175

176	A single bullet hit Naga Taric's left thigh, then grazed her daughter's right hand and penetrater her stomach.	Galic Trial Judgement, para. 267	Nafa Taric, T. 3131-2; P3369A (discharge sheet from the State Hospital of Elma Taric and Nafa Taric); D107 (Official report of the 4th Hrasno Police Station - under seal).	This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
	They managed to crawl away from the exposed position and were taken to the hospital.	Galic Trial Judgement, para. 267	Nafa Taric, T. 3133, 3135.	This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
177	Nafa Taric and Elma Taric were civilians.	Galic Trial Judgement, para. 268	Uncited.	This fact contains characterizations of an essentially legal nature regarding the "civilian" status of persons.
178	A police officer, known as Witness J in the Prosecutor v. Stanislav Galic (Case No. IT-98-29) trial, concluded that the shot had been fired from the SRK positions on Ozrenska Street and based his conclusion not only on common knowledge but also on the fact that the police was unable to immediately access the site because of on-going shooting from those positions.	Galic Trial Judgement, para. 270.	Witness J, T. 8057, 8084.	The relevant witness is unidentified.
	There was an unobstructed line of sight from SRK positions on Hrasno Brdo to the location of the incident.	Galic Trial Judgement, para. 270	Photograph No. 1 of P3268 (set of photographs of site of incident); P3280I (videotape); P3279H (360 degree photograph of the location of scheduled sniping incident 10).	The fact is not identifiable. Defense does not have the photographs from which the adjudicated fact was decided.
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181	The only reasonable inference is that Nafa and Elma Taric were injured by a shot fired from this area.	Galic Trial Judgement, para. 270	Uncited conclusion of Trial Chamber based on evidence presented (above).	Purported fact is vague in referring to "this area."
182	Nafa and Elma Taric, civilians, were deliberately targeted from an SRK-controlled position.	Galic Trial Judgement, para. 271	Uncited conclusion of Trial Chamber based on evidence presented (above).	This fact contains characterizations of an essentially legal nature regarding the "civilian" status of persons and the "deliberate" nature of attacks.
183	On 2 November 1993, at around 4pm, Ramiza Kundo, 38 years old at the time, and Rasema Menzilovic, were hurrying back with full 10-litre canister in each hand along Brijesko Brdo Street from a well located about 50 metres away from Menzilovic's house.	Galic Trial Judgement, para. 421	Schedule 1 to the Indictment. Ramiza Kundo, T. 5939-40; Menzilović, T. 6988-89; P3673, Witness Statement of Ramiza Kundo, p. 2; D75 (Official Note issued by the Novi Grad Public Security Station).	This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence. Furthermore, the fact is not identifiable. Defense does not have the documents from which the adjudicated fact was decided.
184	The ABiH confrontation line was between 300 and 400 metres away from the site of the incident.	Galic Trial Judgement, para. 425	D1843 and D1844 (maps marked by Krsman); map 15 of P3728 (map of the area marked by Karavelić).	The fact is not identifiable. Defense does not have the maps from which the adjudicated fact was decided.
185	Ramiza Kundo was wounded by a shot fired from the direction of "Polje," a field in the area of Bacici and Brijesce.	Galic Trial Judgement, para. 426	Uncited conclusion of the Trial Chamber based on evidence presented concerning the altitude of the location where Ramiza Kundo was shot, Galic Trial Judgement, para. 426.	The fact is not identifiable. Defense does not have the maps from which the adjudicated fact was decided.
186	Ramiza Kundo was injured by a bullet fired from SRK-held territory in the field area, where Brijesce and Bacici are.	Galic Trial Judgement, para. 427	Uncited conclusion of the Trial Chamber based on evidence in the Trial Record, Galic Trial Judgement, para. 427.	
187	Ramiza Kundo was not hit by a stray bullet or a ricochet as a consequence of regular combat activity.	Galic Trial Judgement, para. 428	Ramiza Kundo, T. 5943, 5964-5; Menzilović, T. 6990.	

- 188** On 2 November 1993, a civilian Ramiza Kundo was targeted from an SRK-controlled area in full awareness of the high risk that the target was a civilian. Galic Trial Judgement, para. 429, 421
- Sanja Dzevljan was cycling back from the hospital located in Dobrinja II when she was shot in the buttocks just after crossing one of the bridges connecting Dobrinja II to Dobrinja III. Galic Trial Judgement, para. 357
- 189** Dzevljan, T. 3519.
- Uncited conclusion of the Trial Chamber based on evidence presented (above).
- This fact contains characterizations of an essentially legal nature regarding the "civilian" status of persons and the nature of the attacks. This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
- This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
- 190** She cycled home, was taken to the hospital where she remained for about 10 days. Galic Trial Judgement, para. 357
- Uncited conclusion of the trial chamber based upon the witness testimony of Dzevljan concerning her clothing, the fact that she was riding a bicycle and fact that she was unarmed, Galic Trial Judgement, para. 358.
- The fact was agreed upon by the parties. Defence did not contest that the victim was a civilian. See Galic Trial Judgement, para. 358.
- 191** The clothing of the victim, the activity she was engaged in (riding and bicycles) and the fact that she was unarmed were indicia of Dzevljan's civilian status and would have put a perpetrator on notice of her civilian status. Galic Trial Judgement, para. 358
- The area of the Orthodox Church in Dobrinja IV was under SRK control. Galic Trial Judgement, para. 359
- 192** There was a line of sight between the site of the incident and the area of the Orthodox Church. Galic Trial Judgement, para. 359
- This fact is repetitive of fact nos. 125 and 169.
- 193** There was no ongoing combat activity at the time and in the vicinity of the incident. Galic Trial Judgement, para. 359
- The fact is not identifiable. Defense does not have the photograph from which the adjudicated fact was decided.
- 194** Dzevljan, T. 3519, 3536-7, 3542.

195	The bullet, coming from Dzevlan's right-hand side, came from the direction of the Orthodox Church located approximately 800 metres from the site of the incident.	Galic Trial Judgement, para. 359	The distance was calculated on the basis of maps in evidence, in particular P3644.RH. Uncited conclusion of the Trial Chamber based on evidence presented (above).	The fact is not identifiable. Defense does not have the maps from which the adjudicated fact was decided.
196	Sanija Dzevlan was shot from SRK-controlled territory. The victim, Sanija Dzevlan, was a civilian who was deliberately targeted from SRK-controlled territory.	Galic Trial Judgement, para. 359 Galic Trial Judgement, para. 360	Uncited conclusion of the Trial Chamber based on evidence presented (above).	This fact is repetitive of fact no. 197. This fact contains characterizations of an essentially legal nature regarding the "civilian" status of person and the "deliberate" nature of the attack.
197	In 1994, Ramiz Grabovica, an ABiH conscript in logistics, was employed by the public transport company to drive civilians on a regularly scheduled bus route between the Alipasino bridge and Dobrinja during cease-fires.	Galic Trial Judgement, para. 362	Grabovica, T. 3645-6, 3659.	This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
198	On 25 May 1994, a sunny day, at approximately 11:40am, Grabovica reached his last stop at the intersection of Nikole Demonje Street and Omladinskih Brigada Street in the centre of Dobrinja, stopped the red and white bus, opened the three doors of the bus and turned off the engine to save fuel.	Galic Trial Judgement, para. 362	Grabovica, T. 3645, 3648-9, 3662, 3684-6; Sokolar, T. 3578, 3662.	This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
199	As he waited for passengers to board, Grabovica heard a single shot coming from the direction of Nedarici, which was controlled by the SRK, precipitating panic on the bus.	Galic Trial Judgement, para. 362	Grabovica, T. 3649, 3654, 3655, 3658, 3675, 3683.	This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
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201	<p>Ramiz Grabovica saw that two middle-aged women had been injured. The one sitting on the right side of the bus was holding her knee and the other sitting in the opposite side of the aisle was bleeding profusely.</p>	<p>Galic Trial Judgement, para. 362</p>	<p>This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.</p>
202	<p>The victims, Sehadeta Plivac and Hajra Hafizovic, were taken off the bus and remained at the hospital where they received medical assistance. The bus was visibly a civilian vehicle, which only functioned during cease-fires along a regularly scheduled bus route.</p>	<p>Galic Trial Judgement, para. 362</p>	<p>This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.</p>
203	<p>The passengers of the bus were targeted from the area of Nedarici.</p>	<p>Galic Trial Judgement, para. 364</p>	<p>Grabovica, T. 3668-69; P2637.1. Uncited conclusion of the Trial Chamber based on witness testimony of Grabovica, T. 3692.</p>
204		<p>Galic Trial Judgement, para. 365</p>	<p>Grabovica, T. 3668.</p>
205	<p>The SRK frontline in the area of Nedarici was approximately 750 metres away from the incident. There was one line of sight between the site of the incident and Nedarici.</p>	<p>Galic Trial Judgement, para. 365</p>	<p>The fact is not identifiable. Defense does not have the maps from which the adjudicated fact was decided.</p>
206		<p>Galic Trial Judgement, para. 365</p>	<p>Grabovica, T. 3683. The Defence Witnesses DP8 and DP9, members of the SRK whose units were stationed in Nedarici, confirmed that the area of Nedarici was under the control of the SRK, DP8, T. 14726, 14765-6; DP9, T. 14587.</p>
207	<p>The area of Nedarici was controlled by the SRK at the time of the incident.</p>	<p>Galic Trial Judgement, para. 365</p>	

<p>On 25 May 1994 civilian passengers of a civilian vehicle were deliberately targeted from SRK-controlled territory and such targeting resulted in the wounding of Sehadeta Plivac and Hajra Hafizovic</p>	<p>Galic Trial Judgement, para. 367</p>	<p>Uncited conclusion of the Trial Chamber based on evidence presented (above).</p>	<p>This fact contains characterizations of an essentially legal nature regarding the the "deliberate" nature of the attack. This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.</p>
<p>On 19 June 1994, at approximately 5pm, Mensur Jusic was riding on a tram heading down Vojvode Putnika Street in the direction of Ilidza</p>	<p>Galic Trial Judgement, paras. 254, 255</p>	<p>Jusic, T. 3225-6, 3301.</p>	<p>This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence. Moreover, the relevant witness is unidentified.</p>
<p>A woman, known as Witness M in the Prosecutor v. Stanislav Galic (Case No. IT-98-29) trial, was on the same tram with her four year old son.</p>	<p>Galic Trial Judgement, para. 254</p>	<p>Witness M, T. 3340-2, 3355.</p>	<p>This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence. Moreover, the fact is not identifiable. Defense does not have the maps from which the adjudicated fact was decided. Lastly, a relevant witness is unidentified.</p>
<p>As the tram approached the intersection of Vojvode Putnika and Trscanska Streets, Witness M heard a shot and saw that her son who had been sitting by the window had been injured.</p>	<p>Galic Trial Judgement, para. 254</p>	<p>Jusic, T. 3237, 3270, 3298, 3301, 3303; D38 (map of area of incident); P3279J (set of photographs of intersection); P3112 (map marked by witness), Jusic, T. 3260-1; Witness M, T. 3340, 3343-4 3355; Vidović, T. 4294.</p>	<p>This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.</p>
<p>Jusic was hit in the shin of his right leg.</p>	<p>Galic Trial Judgement, para. 254</p>	<p>Jusic, T. 3227-8, 3295.</p>	

This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.

Jusić, T. 3227-8, 3295.

213 Jusic saw that another woman standing to his right was bleeding from her arm. Galic Trial Judgement, para. 254

This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence. Lastly, a relevant witness is unidentified.

Witness M, T. 3341, 3352-3, 3366, 3370-2; P3106 (medical certificate from First Aid Centre); Jusić, T. 3341.

214 The injured received medical treatment at a nearby emergency clinic. Galic Trial Judgement, para. 254

This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.

Uncited.

215 The tram was struck by a bullet, which injured three passengers, as it travelled down Vojvode Putnika Street towards Ilidza. No military vehicles were present in the close vicinity of the location of the incident. Galic Trial Judgement, para. 255 Galic Trial Judgement, para. 256

Jusić, T. 3240.

This fact is repetitive of fact 217.

Witness M, T. 3340, 3341-2, 3355; Jusić, T. 3223, 3227, 3241; Vigodić, T. 4242; P3656 (set of 8 photographs taken by the police). People can be seen walking around on the street at the Pofalici stop on a photograph shown in court (See P3656).

217 No military activity was underway in the area. Galic Trial Judgement, para. 256

A relevant witness is unidentified.

This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.

218 The tram was impacted on the left side in the direction it was travelling. Galic Trial Judgement, para. 257 Jusić, T. 3228, 3232, 3329.

P3279I (360 degree photograph of the location of scheduled sniping incident 24); P3279J (set of photographs of intersection); P2641 (photographs taken by Ashton).

219 There was an unobstructed line of sight between the site of the event and the area of the Jewish Cemetery under the SRK control. The shot which struck the tram was fired from the area of the Jewish Cemetery held by the SRK. Galic Trial Judgement, para. 257 The fact is not identifiable. Defense does not have the photographs from which the adjudicated fact was decided.

220 On 19 June 1994, a civilian vehicle was deliberately targeted from SRK-controlled territory in the area of the Jewish Cemetery, resulting in the wounding of three civilian passengers. Galic Trial Judgement, para. 257 Jusić, T. 3239-40.

221 On 26 June 1994, Sanela Muratovic, age 16, and Medina Omerovic, age 17, were walking to Omerovic's apartment in Dure Jaksica Street 17 on the eastern side of Lukavicka Cesta in Novi Grad, between 19:00 and 19:30, on a sunny early evening. Galic Trial Judgement, para. 318 Omerovic, T. 3843-5, 3877-8.

This fact contains characterizations of an essentially legal nature regarding the "civilian" status of persons and the "deliberate" nature of the attack.

This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.

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The fact is not identifiable. Defense does not have the map from which the adjudicated fact was decided.

Purported fact is vague in referring to "other witnesses."
This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.

Some uniformed soldiers warned them of incoming sniper fire.
Galic Trial Judgement, para. 318

Omerovic, T. 3844.

Muratovic was shot in her right shoulder.
Galic Trial Judgement, para. 318

Omerovic, T. 3845-7.

Omerovic, walking to the left, was not injured.
Galic Trial Judgement, para. 319

P3098 (map of the area marked by the witness).

The shot which hit the victim Muratovic originated from the area of the Institute for the Blind. UNMO and other witnesses had found that the Institute of the School for the Blind was a "sniping nest" from where civilians were shot at.
Galic Trial Judgement, para. 319

P3098 (map of the area), Omerovic, T. 3866-67.

"sniping nest" from where civilians were shot at.
Galic Trial Judgement, para. 319, f/n 933

Fajko Kadrić, T. 3782; Đilho, T. 3957.

Only one single shot was fired which directly hit Muratovic.
Galic Trial Judgement, para. 320

Omerovic, T. 3845-7.

229	No fighting was ongoing in the area at the time of the incident.	Galic Trial Judgement, para. 320	Omerovic, T. 3882, 3891. Uncited conclusion of the Trial Chamber based on evidence presented (above).	This fact contains characterizations of an essentially legal nature regarding the "civilian" status of the person and the "deliberate" nature of the attack.
230	The bullet did not hit Muratovic by mistake nor was there a ricochet. Soldiers were not garrisoned in the immediate vicinity of the spot where the incident occurred, and there was no military facility nearby. The distance between the area of the Institute for the Blind and the position of the victim at the time of the incident was about 200 metres.	Galic Trial Judgement, para. 320	Omerovic, T. 3882, 3891.	
231		Galic Trial Judgement, para. 320	Hinchliffe, T. 12994. Uncited conclusion of the Trial Chamber based on evidence presented (above).	
232		Galic Trial Judgement, para. 320		This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence. Moreover, the relevant witnesses are unidentified.
233	Sanela Muratovic, a civilian, was deliberately targeted from SRK-controlled territory. On 22 July 1994 a boy, known as Witness AG in the Prosecutor v. Stanislav Galic (Case No. IT-98-29) trial, aged 13, and his sister, known as Witness AH in the Prosecutor v. Stanislav Galic (Case No. IT-98-29) trial, went out with their mother to visit a relative.	Galic Trial Judgement, para. 321	Witness AG, T. 6286; Witness AH, T. 6244-5.	
234		Galic Trial Judgement, para. 285		
235	It was a clear day.	Galic Trial Judgement, para. 285	Witness AH, T. 6265; Witness AG, T. 6287.	This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence. Moreover, the relevant witnesses are unidentified.

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This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence. Moreover, the finding is not identifiable because the Defense does not have relevant documents upon which the finding is based. Lastly, the relevant witnesses are unidentified.

This fact contains characterizations of an essentially legal nature regarding the "civilian" status of the person.

The relevant witnesses are unidentified.

Witness AG and Witness AH stopped to look at a shoe-shop window on Miljenka Cvikovica Street.

Galic Trial
Judgement, para.
285

Witness AH, T. 6245-6,
6266; Witness AG T.
6286, 6318, 6334.

236

Witness AG got off his bicycles and was shot in the lower part of his stomach. The bullet tore through his body and shattered the shop window.

Galic Trial
Judgement, para.
285

Witness AG, T. 6286-7,
62916296, 6315-6, 6318-
9; Witness AH, T. 6245,
6247-8, 6254, 6268-9,
6277.

237

Witness AG was taken to an emergency unit and then hospitalized for several days.

Galic Trial
Judgement, para.
285

Witness AH, T. 6247,
6278-80; Witness AG, T.
6288, 6291, 6298, 6345;
See P2794 (discharge
report of the State
Hospital).

238

Witness AG was a civilian.

Galic Trial
Judgement, para.
286

Uncited conclusion of the
Trial Chamber based on
evidence presented
(above).

239

There was no military activity in the area at the time of the incident.

Galic Trial
Judgement, para.
287

Witness AH, T. 6248-9,
6267, 6270, 6277;
Witness AG, T. 6288,
6291, 6298, 6319, 6322,
6324.

240

241	Several children were playing and a neighbourhood restaurant was open.	Galic Trial Judgement, para. 287, f/n 781 citing report of Kucanin	Witness AG T. 6288, 6322; Witness AH, T. 6277; The Official Note of the Centre of Security Department, drafted by Kucanin, P2790. Uncited conclusion of the Trial Chamber based on evidence presented (above).	The finding is not identifiable because Defense does not have relevant documents upon which the finding is based. Furthermore, the relevant witnesses are unidentified.
242	The victim was not hit by a stray bullet but was deliberately targeted.	Galic Trial Judgement, para. 287	Trial Chamber based on evidence presented (above).	This fact contains characterizations of an essentially legal nature regarding the "deliberate" nature of an attack.
243	A clear line of sight existed between the site of the incident and SRK positions.	Galic Trial Judgement, para. 288	P2792 (set of photographs taken by the police); P3279W (360-degree photograph); P3280W (video of location of incident); P3269 (set of photographs pre-marked by witness AH).	The fact is not identifiable. Defense does not have the photographs or video from which the adjudicated fact was decided.
244	Witness AG, a civilian, was injured by a shot deliberately fired at him from SRK-controlled territory on Hrasno Brdo.	Galic Trial Judgement, para. 289	Uncited conclusion of the Trial Chamber based on evidence presented (above).	This fact contains characterizations of an essentially legal nature regarding the "deliberate" nature of an attack and the "civilian" status of a person. This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
245	On 1 June 1993, some residents of Dobrinja decided to organize a football tournament in the community of Dobrinja IIIB.	Galic Trial Judgement, para. 372	Fažlić, T. 6600.	This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
246	On 1 June 1993, it was a beautiful, sunny day.	Galic Trial Judgement, para. 372	Fažlić, T. 6600; Gavranović, T. 6712; Hadziabdić, T. 6743.	This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.

247	<p>The football pitch was set up in the corner of a parking lot, which was bounded by sex-storey apartment blocks on three sides and on the fourth side, which faced the north, by Mojimilo hill, and was not visible from any point on the SRK side of the confrontation line.</p>	<p>Fažlić, T. 6602, 6009, 6626, 6632, 6637; Gavranović, T. 6727; P3678A (360 degree photo of the location of scheduled shelling incident 1) and P3281B (the video of Ismet Fažlić demarcating the area)</p>	<p>This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.</p>
248	<p>Around 200 spectators, among whom were women and children, gathered to watch the teams play.</p>	<p>Galic Trial Judgement, para. 372</p>	<p>This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.</p>
249	<p>Some minutes after 10am, during the second match, two shells exploded at the parking lot.</p>	<p>Galic Trial Judgement, para. 373</p>	<p>This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.</p>
250	<p>Ismet Fazlic a member of the civil defence, was the referee of the second game.</p>	<p>Galic Trial Judgement, para. 373</p>	<p>This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.</p>
251	<p>About 10 to 20 minues into that game, as the carried out a penalty kick, the first shell landed among the players in the centre of the pitch.</p>	<p>Galic Trial Judgement, para. 373</p>	<p>This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.</p>

- 252** Ismet Fazlic was hit by shrapnel and sustained serious injuries in both legs as well as in other parts of his body. Galic Trial Judgement, para. 373. Fazlić, T. 6610. This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
- 253** There were eleven young men on the ground, eight of whom had died on the spot. Galic Trial Judgement, para. 373. Fazlić, T. 6608-9, 6677. This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
- 254** Omer Hadziabdic, who was 15 years old at the time, was watching the match from the overturned cars when the first shell struck the football pitch. Galic Trial Judgement, para. 373. Hadziabdić, T. 6752. This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
- 255** Omer Hadziabdic was wounded by shrapnel in his leg. Galic Trial Judgement, para. 373. Hadziabdić, T. 6747. This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
- 256** Nedim Gavranovic, who was 12 years old at the time, was standing behind one of the goals when he heard the first explosion and felt a very strong blow. Galic Trial Judgement, para. 373. Gavranović, T. 6713-4. This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.

257	Nedim Gavranovic sustained an entry and exit wound in his right lower leg caused by shrapnel.	Galic Trial Judgement, para. 373	Gavranović, T. 6715; P2506.B (medical report of injuries from Dobrinja hospital).	<p>This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.</p> <p>This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.</p>
258	On 1 June 1993, a second shell landed at almost the same spot in Dobrinja IIB within seconds of the first shell.	Galic Trial Judgement, para. 374	Fazlić, T. 6610-6611; Gavranović, T. 6714; Hadziabdić, T. 6747-8.	<p>This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.</p>
259	It fell in front of a young man and tore his leg off.	Galic Trial Judgement, para. 374	Fazlić, T. 6610.	<p>This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.</p>
260	There were many wounded people on the ground.	Galic Trial Judgement, para. 374	Hadziabdić, T. 6747-8.	<p>This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.</p>

261	The explosion of 1 June 1993 in Dobrinja killed over 10 persons and injured approximately 100 others.	Galic Trial Judgement, para. 376	Hajir, T. 1689-1691; Gavranović, T. 6724; Fažlić, T. 6609, 6611, 6677; Hadžić, T. 12254; P3747 (list from Dobrinja hospital of patients admitted after being wounded on 1 June 1993); P3737A, B, C (the protocols of the Kojevo hospital emergency centre, surgical ward, and morgue); D25 Galic Trial Judgement, para.2 (f) (ABiH 5th Motorised Dobrinja Brigade command report dated 1 June 1993); Viličić, T. 20223; D1917 (Viličić Shelling Report), p. 29; Higgs, T. 12441; P3734 (Shelling report of Richard Higgs dated 12 February 2002), p.7; P1367 (Houdet Report); Higgs, T. 12460; P3644.RH (a pre-marked map of Sarajevo); Hadziabdić T. 6762.	The fact is not identifiable. Defense does not have the documents from which the adjudicated fact was decided.
	The shells that hit the football pitch in Dobrinja IIIB on 1 June 1993 were of the calibre of at least 81-82mm and originated from the direction east-southeast, within SRK-held territory.	Galic Trial Judgement, paras. 377-380		
262	The distance from the site of the event to the confrontation lines in the direction of the fire was approximately 300 metres.	Galic Trial Judgement, para. 379		The fact is not identifiable. Defense does not have the documents from which the adjudicated fact was decided.
263	The ABiH 5th Motorised Dobrinja Brigade headquarters were not in the area of the parking lot in Dobrinja IIIB settlement where the football pitch was set up on 1 June 1993, but in the Dobrinja II settlement.	Galic Trial Judgement, para. 382	Fažlić, T. 6644, 6646; Hadziabdić, T. 6770-1; P3732 (map of Dobrinja marked by Hadžić).	The fact is not identifiable. Defense does not have the map from which the adjudicated fact was decided.

- 265 There was a nuclear shelter of the Dobrinja IIB community, located approximately 100 metres away from the parking lot behind a block of flats.
- 266 Considering that only two shells were fired, that these fell in quick succession and landed at almost the same spot on the parking lot, and that the second shell did not land any closer to the nuclear shelter, this was not the intended target of the attack.
- 267 There were ABiH soldiers present at the parking lot, who were off-duty, unarmed and not engaged in any military activity.
- 268 Due to its location, the parking lot was not visible from SRK lines.
- 269 The parking lot was shelled well after the tournament began.
- 270 The shelling incident which took place on 1 June 1993 in Dobrinja IIB constitutes an example of indiscriminate shelling by the SRK on a civilian area.
- 271 Due to a water cut-off in Dobrinja, a suburb of Sarajevo, inhabitants of "C5", a settlement in Dobrinja, replenished their water supply at well-known emergency water points.
- Galic Trial Judgement, para. 382
- P3732 (map marked by Hadžić); D84 (map marked by Fažlić); P3097 (map marked by Refik Sokolar); Hadziabdić, T. 6766.
- Uncited conclusion of the Trial Chamber based on evidence presented (above).
Hadžić, T. 12254-6; D25 para 2 (f) (ABiH 5th Motorised Dobrinja Brigade command report dated 1 June 1993).
Fažlić, T. 6602, 6637; Gavranovic, T. 6727; DP9, T. 14475.
- Uncited.
- Uncited conclusion of the Trial Chamber based on evidence presented (above).
- Galic Trial Judgement, para. 387
- Galic Trial Judgement, paras. 388, 390
- Taslamani, T. 7187, 7210-1; Zametica, T. 3481.
- The fact is not identifiable. Defense does not have the maps from which the adjudicated fact was decided.
- The fact is not identifiable. Defense does not have the document from which the adjudicated fact was decided.
- This fact contains characterizations of an essentially legal nature regarding the "deliberate" nature of an attack and the "civilian" status of a person.
This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.

272	In the middle of the afternoon of 12 July 1993, a fairly clear day until 17:00 hours, there was a hundred or more canisters in the street.	Galic Trial Judgement, paras. 388, 390	Grebic, T. 7264-65, T. 7284-6.	This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
273	These people, mostly elderly, were waiting for their turn to enter into the front yard of the house through an iron gate guarded by Enver Taslaman. Rasim Mehonic a retiree who had been queuing with his wife and two daughters since dawn, was crouched next to Taslaman, waiting for his turn to collect water when, at approximately 15:00 hours, a mortar shell exploded.	Galic Trial Judgement, paras. 388, 390	Taslaman, T. 7186.	This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
274		Galic Trial Judgement, paras. 388, 390	Mehonic, T. 7328-9.	This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
275	Mehonic felt the left side of his body hit by shrapnel.	Galic Trial Judgement, paras. 388, 390	Mehonic, T. 7330.	This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
276	Next to Mehonic, Taslaman was hit on the arm and the left leg.	Galic Trial Judgement, paras. 388, 390	Taslaman, T. 7205.	This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.

<p>277 The mortar shell, which landed on the water collection point on 12 July 1993 in Dobrinja C5 at approximately 15:00 hours upon killed over ten persons and wounded over ten more. The mortar shell which landed on 12 July 1993 in Dobrinja "C5" and which caused civilian casualties was of a caliber of 82mm.</p>	<p>Galic Trial Judgement, para. 390</p>	<p>This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence. Moreover, a relevant witness is unidentified.</p>
<p>278 The mortar shell which landed on 12 July 1993 in Dobrinja "C5" and which caused civilian casualties was fired from the direction west-northwest to the point of impact of the mortar shell. There were no immediate military objectives near the well which could have explained the firing of a shell in that area.</p>	<p>Galic Trial Judgement, para. 391</p>	<p>The fact contains an essentially legal conclusion regarding the "civilian" status of persons killed. Moreover, the finding is not identifiable because the Defense does not have the Cavcic Report upon which the finding is based. Lastly, the relevant witness is unidentified.</p>
<p>279 There were no immediate military objectives near the well which could have explained the firing of a shell in that area.</p>	<p>Galic Trial Judgement, para. 393</p>	<p>The fact contains an essentially legal conclusion regarding the "civilian" status of persons killed. Moreover, the finding is not identifiable because the Defense does not have the reports upon which the finding is based.</p>
<p>280 The area around the well where civilians pumped water was repeatedly shelled after the shelling incident of 12 July 1993. The water queue of civilians in Dobrinja "C5" was deliberately targeted on 12 July 1993 by an 82mm mortar shell fired from SRK-held territory.</p>	<p>Galic Trial Judgement, para. 396</p>	<p>The fact contains an essentially legal conclusion regarding the military objectives/necessity of the attack.</p>
<p>281 The area around the well where civilians pumped water was repeatedly shelled after the shelling incident of 12 July 1993. The water queue of civilians in Dobrinja "C5" was deliberately targeted on 12 July 1993 by an 82mm mortar shell fired from SRK-held territory.</p>	<p>Galic Trial Judgement, para. 396</p>	<p>The fact contains an essentially legal conclusion regarding the military objectives/necessity of the attack.</p>
<p>282 The area around the well where civilians pumped water was repeatedly shelled after the shelling incident of 12 July 1993. The water queue of civilians in Dobrinja "C5" was deliberately targeted on 12 July 1993 by an 82mm mortar shell fired from SRK-held territory.</p>	<p>Galic Trial Judgement, para. 397</p>	<p>This fact contains characterizations of an essentially legal nature regarding the "deliberate" nature of an attack and the "civilian" status of a person.</p>

<p>On 22 January 1994, Goran Todorovic, a 12 year old boy, ran towards the buildings for cover and just as he started climb down the staircase to his apartment at 6 Klara Cetkin Street in Alipasino Street, another shell exploded, 10 to 15 metres away, wounding him.</p>	<p>Galic Trial Judgement, para. 332</p>	<p>Todorovic, T. 8006-7, 8011-12, 8026.</p>	<p>This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.</p>
<p>Muhammed Kapetanovic, living at No. 2 Centinjska Street, nearly ten years old in January 1994 was playing with four friends in a parking lot.</p>	<p>Galic Trial Judgement, para. 332</p>	<p>Kapetanović, T. 7954-7.</p>	<p>This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.</p>
<p>Another group of children was playing in Klara Cetkin Street.</p>	<p>Galic Trial Judgement, para. 332</p>	<p>Kapetanović, T. 7974-5.</p>	<p>This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.</p>
<p>Suddenly there was a loud explosion from one or two shells, whereupon the children ran for cover.</p>	<p>Galic Trial Judgement, para. 332</p>	<p>Kapetanović, T. 7956.</p>	<p>This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.</p>
<p>Just before Kapetanovic reached his building's entrance, another shell exploded 10 metres behind the trailing child, killing him and wounding three others including Kapetanovic, who suffered serious injuries to his leg.</p>	<p>Galic Trial Judgement, para. 332</p>	<p>Kapetanović, T. 7956-7, 7961-2, 7984.</p>	<p>This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.</p>

- 288** A woman known as Witness AI in the Prosecutor v. Stanislov Galic (Case No. IT-98-29) was walking along Klara Cetkin Street in Alipasino Polje where he lived, when he heard two explosions at a distance of 100 metres approximately. Galic Trial Judgement, para. 332. Witness AI, T. 7665, 7670, 7682, 7688.
- This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence. Moreover, the relevant witness is unidentified.
- 289** Before witness AI could take cover, a third shell fell three to five metres to his left, the explosion threw him into the air and seriously wounded him in the face. Galic Trial Judgement, para. 332. Witness AI, T. 7665, 7667.
- This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence. Moreover, the relevant witness is unidentified.
- 290** Refik Aganovic was in his apartment on the 14th floor of No. 4 Klara Cetkin Street. At around 1 p.m. he heard the "usual" hissing sound of a shell and then a loud explosion nearby. Galic Trial Judgement, para. 332. Aganović, T. 7717-20.
- This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
- 291** About a minute or two later a second shell exploded. Galic Trial Judgement, para. 332. Aganović, T. 7720.
- This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
- 292** Aganovic opened a west-facing window to see what had happened when a third explosion in front of his entrance threw him back. Galic Trial Judgement, para. 332. Aganović, T. 7722.
- This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.

293 Aganovic rushed downstairs to the entrance where he saw a 13 year old boy stagger over and die. Galic Trial Judgement, para. 332 Aganović, T. 7722-3.

294 Another younger boy whom Aganovic said he tried to assist also died in those moments. Galic Trial Judgement, para. 332 Aganović, T. 7723-4.

295 Other children, whom the witness did not recognize because they were covered in blood and were missing parts of their bodies, had also been killed. Galic Trial Judgement, para. 332 Aganović, T. 7723-4.

296 Investigative Judge Zdenko Eterovic established by interviewing witnesses and by observation of bodily remains at the site, as well as by visiting the hospitals where the casualties had been taken, that six children had been killed by the explosions and another three children and one adult (Witness A1) had been seriously injured. Galic Trial Judgement, para. 333 Eterović, T. 8841, 8845-6; P2171C (Eterović's report), P2171C.1 (translation of above).

The fact is not identifiable. Defense does not have the document from which the adjudicated fact was decided.

297	Three mortar shells (two 82 mm and one 120 mm calibre) were fired into the residential neighbourhood of Alipasino Polje around noon on 22 January 1994, killing six children and injuring other civilians, including children.	Sabljica, T. 5270-2, 5360; P2171 (Sabljica's report), P2171.1 (translation of above); Witness Q, T. 7400; P2171B (Witness Q's report), P2171B.1 (translation of above).	The fact contains an essentially legal conclusion regarding the "civilian" status of persons injured. Furthermore, the fact is not identifiable. Defense does not have the documents from which the adjudicated fact was decided. Lastly, a relevant witness is unidentified.
298	The attack was carried out on an otherwise quiet day during a lull in hostilities.	Galic Trial Judgement, para. 339 Witness AI, T. 7683; Aganovic, T. 7725-6.	This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence. Moreover, a relevant witness is unidentified.
299	No activity of a military nature was underway in the neighbourhood, nor were any soldiers to be seen, and groups of children including Todorovic and Kapetanovic, had gone out onto the streets to play.	Galic Trial Judgement, para. 339	Todorovic, T. 8015, 8027; Eterovic, T. 8869, 8875.
300	The impact traces were considerably more pronounced to the west of the craters.	Galic Trial Judgement, para. 341	The fact is not identifiable. Defense does not have the Vilićić Shelling Report from which the adjudicated fact was decided.
301	It can be safely concluded that the shells came in from either the west or north of west.	Galic Trial Judgement, para. 341	The fact is not identifiable. Defense does not have the Vilićić Shelling Report from which the adjudicated fact was decided and testimony was provided by an unidentified, protected witness.
302	The impact traces were strongly elliptical and significantly displaced to the west.	Galic Trial Judgement, para. 341	This fact is repetitive of fact no. 300. Furthermore, the fact is not identifiable. Defense does not have the Vilićić Shelling Report from which the adjudicated fact was decided.

303	The three shells were fired from SRK positions somewhere to the west of Alipasino Polje. The sequence of explosions, together with the fact that the shelling ceased after just three volleys were fired, all of which landed wide of Kulin Ban (two at a distances of at least 150 metres) allowed for the conclusion that Kulin Ban was not the intended target of this attack.	Galic Trial Judgement, para. 343	Witness DP17 testified that the area of Neđarići not under SRK control was negligible (T. 16876); See P3727 which indicates a range of possible firing positions bounded by dotted lines converging from the west on Alipašino Polje.	The fact is not identifiable. Defense does not have the document from which the adjudicated fact was decided. Furthermore, the relevant witness is unidentified.
304		Galic Trial Judgement, para. 344	Uncited conclusion of the Trial Chamber based on evidence presented (above).	This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
	On 4 February 1994, Sabahudin Ljusa crossed the street to get a broom from the officers at no. 9 Oslobodilaca Sarajeva Street where aid was being distributed.	Galic Trial Judgement, para. 398	Ljusa, T. 7863, 7867.	
305			This fact is wrongly attributed to Sabahudin Ljusa. Instead, the testimony concerning a whistling sound and a nearby block of flats was given by Fata Spahic. See Galic Trial Judgement, para. 399; Spahić, T. 7910-11, 7940.	This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
	Sabahudin Ljusa heard a whistling sound followed by the explosion of a shell falling on a nearby block of flats fronting Oslobodilaca Sarajeva Street	Galic Trial Judgement, para. 398		
306				

This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.

Ljusa, T. 7865-6, 7868.

After checking his wounds he walked to a nearby clinic where he was when he heard a second explosion.

Galic Trial
Judgement, para.
398

307

Medical records confirm that Sabahudin Ljusa sustained severe shapnel wounds to the chest.

Galic Trial
Judgement, para.
398

P2252, P2252.1
(translation).

308

The fact is not identifiable. Defense does not have the medical records from which the adjudicated fact was decided.

This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.

Spahić, T. 7905-7.

Fata Spahic went to Dobrinja to trade cigarettes for flour.

Galic Trial
Judgement, para.
399

309

This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.

Spahić, T. 7909, 7939.

A group of twenty women and children had gathered.

Galic Trial
Judgement, para.
399

310

Fata Spahic heard a whistling sound, followed by the explosion of a shell falling on a nearby block of flats fronting Oslobodilaca Sarajeva Street.

Galic Trial
Judgement, para.
399

Spahić, T. 7910-11, 7940.

311

Fata Spahic noticed that some of the injured were crawling away from the site, while two of her friends and two boys she did not know were killed or were dying.

Galic Trial
Judgement, para.
399

312

This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.

Spahić, T. 7912-3,
especially 7946.

313	A medical record from Dobrinja General Hospital states that a woman known as Witness R in the Prosecutor v. Galic (Case No. IT-98-29) trial was "injured by shell explosion".	Galic Trial Judgement, para. 400	P2251, P2251.1 (translation).	The fact is not identifiable. Defense does not have the medical record from which the adjudicated fact was decided. This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
314	Eldar Hafizovic saw wounded people in the street calling for help.	Galic Trial Judgement, para. 401	Hafizović, T. 7762-3.	This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
315	A second explosion injured Eldar Hafizovic in his right arm.	Galic Trial Judgement, para. 401	Hafizović, T. 7762-3.	This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.
316	Hafizovic was heading for the clinic when he heard another loud explosion which was a third shell. Zdenko Eterovic's report found that altogether eight people had been killed by shells and 22 were wounded.	Galic Trial Judgement, para. 401 Galic Trial Judgement, para. 403	Hafizović, T. 7764. P2247B, P2247B.1 (translation); Eterovic, T. 8850.	This fact is not identifiable. Defense does not have Zdenko Eterovic's report from which the adjudicated fact was decided

	<p>Sabahudin Ljusa did not see any soldiers or military personnel at the place where humanitarian aid was being unloaded or in Oslobodilaca Sarajeva Street. See Spahic, T. 7925-6.</p>	<p>This fact is wrongly attributed to Sabahudin Ljusa. Fata Spahic testified that she did not see any soldiers or military personnel at the place where humanitarian aid was being unloaded or in Oslobodilaca Sarajeva Street. See Spahic, T. 7925-6.</p>	<p>This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.</p>
318	<p>On 4 February 1994 around 11.00 a.m. three mortar shells struck a residential neighbourhood in Dobrinja killing at least eight civilians including a child and injuring at least 18 people including two children. The origin of fire was SRK-held territory in relation to the two shells that were investigated in detail.</p>	<p>Galic Trial Judgement, para. 405</p>	<p>Hadzic, T. 12200, 12205, 12264-5, 12352.</p>
319	<p>On 4 February 1994 around 11.00 a.m. three mortar shells struck a residential neighbourhood in Dobrinja killing at least eight civilians including a child and injuring at least 18 people including two children. The origin of fire was SRK-held territory in relation to the two shells that were investigated in detail.</p>	<p>Galic Trial Judgement, para. 405</p>	<p>Hadzic, T. 12200, 12205, 12264-5, 12352.</p>
320	<p>The first shell to strike formed part of the same attack and therefore also originated in SRK territory. Three shells struck civilians engaged in peaceful activities.</p>	<p>Galic Trial Judgement, para. 407</p>	<p>Uncited conclusion of the Trial Chamber based on evidence presented (above).</p>
321	<p>The Territorial defence office was not the target of the attack.</p>	<p>Galic Trial Judgement, para. 409</p>	<p>The fact contains an essentially legal conclusion regarding the "civilian" status of persons injured or killed.</p>
322	<p>The Territorial defence office was not the target of the attack.</p>	<p>Galic Trial Judgement, para. 409</p>	<p>The fact is not identifiable. Defense does not have the Vilićić Shelling Report from which the adjudicated fact was decided.</p>
323	<p>The Territorial defence office was not the target of the attack.</p>	<p>Galic Trial Judgement, para. 409</p>	<p>The fact contains an essentially legal conclusion regarding the "civilian" status of persons struck by shelling.</p>

This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence. Moreover, the fact is not identifiable. Defense does not have the videos from which the adjudicated fact was decided.

This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence.

Becic, T. 4795; P2279A
(Video footage of Markale
market taken on 5 and 6
February 1994)

On 5 February 1994 around noon many people were shopping in the Markale open-air market.

On 5 February 1994 around noon many people were shopping in the Markale open-air market.

324

Ezrema Boskailo was shopping at the Markale open-air market when an explosion knocked her over.

Galic Trial
Judgement, para.
438

Galic Trial
Judgement, para.
438

325

Boskailo, T. 5044-5, 5047-8.

Hadzimiratovic, T. 5105; P2309A.1 (Sabljica Ballistic Report); Gavrankapetanovic, T. 12620, 12624-7; Suljic, T. 6812-8 and 6821-2; Niaz, T. 9096-8; P2365.1 (Official Report); P2261 (UN Report); Niaz, T. 9096-7; Hamill, T. 6105; P3737A (Koševo hospital records) and see also Gavrankapetanovic, T. 12524-7).

Edin Suljic, of a local investigative team, and Afzaal Niaz, of the UN, set up a team to investigate the incident.

Galic Trial
Judgement, para.
440

Galic Trial
Judgement, para.
440

326

P2365.1 (Official Report); Suljic, T. 6823-6; Niaz, T. 9097-8; P2261 (UN Report).

Suljic and Niaz each counted over 60 persons killed and over 140 persons injured.

Galic Trial
Judgement, para.
440, f/n 1556

Galic Trial
Judgement, para.
441

327

The investigation lasted approximately one week.

Galic Trial
Judgement, para.
441

328

The fact is not identifiable. Defense does not have the documents from which the adjudicated fact was decided.

The fact is not identifiable. Defense does not have the document from which the adjudicated fact was decided.

The fact is not identifiable. Defense does not have the document from which the adjudicated fact was decided.

- 329 The investigation resulted in a comprehensive official report and incorporated separate reports by expert members, including ballistic experts Mirza Sabljica, Hamdija Cavcic and Berko Zecevic. Galic Trial Judgement, para. 441 P2365.1 (Official Report). The fact is not identifiable. Defense does not have the document from which the adjudicated fact was decided.
- 330 On 5 February 1994 the UNMO and UN FreBat (French Battalion) determined that the tail fin belonged to a 120 mm shell. Galic Trial Judgement, para. 445 P2261(UN Report). The fact is not identifiable. Defense does not have the document from which the adjudicated fact was decided.
- 331 On 11 February 1994 another UN team was formed. A man known as Witness AF in the Prosecutor v. Galic (Case No. IT-98-29) trial was in the garden of his mother's house at about 12:00-12:30 when he heard the sound of a heavy weapon like a mortar being fired from behind Spicasta Stijena, at Mrkovici. Galic Trial Judgement, para. 446 T. 6077; Rose, T. 10196 This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence. Moreover, the relevant witness is unidentified.
- 332 Witness AF, T. 5524, 5499-5505. Galic Trial Judgement, para. 454 This fact is recounting witness testimony rather than noting a distinct factual finding of the Trial Chamber. The Accused's attempts at rebutting each witness account will defeat the purpose of Rule 94 (B), i.e. judicial economy, by consuming considerable time and resources. Furthermore, admitting all such witness accounts denies the Accused a fair trial by placing upon him too heavy a burden of rebuttal, in terms of volume and type of evidence. Moreover, the relevant witness is unidentified.
- 333 Witness AK-1 in the Prosecutor v. Galic (Case No. IT-98-29) trial heard firing from the direction of Mrkovici. Galic Trial Judgement, para. 454 Witness AK-1, T. 5444, 5446-7 and 5450-1.

- Weapons specialists indicate that the noise made by the firing of a mortar can be used to determine the approximate direction of fire. The distance between Markale market and the SRK confrontation line to the north-northeast at the time of the incident was approximately 2,600 metres. ABiH Commander Vahid Karavelic marked a map where the nearest location of a brigade headquarters appeared approximately 300 metres away from the market.
- 334 Galic Trial Judgement, para. 454
The fact is not identifiable. Defense does not have the Higgs Shelling Report from which the adjudicated fact was decided.
- 335 Galic Trial Judgement, para. 455
The fact is not identifiable. Defense does not have the map from which the adjudicated fact was decided.
- 336 Galic Trial Judgement, para. 456
The fact is not identifiable. Defense does not have the map from which the adjudicated fact was decided.
- 337 Galic Trial Judgement, para. 463
Uncited conclusion of the Trial Chamber based on evidence presented (above).
- 338 Galic Trial Judgement, para. 463
Uncited conclusion of the Trial Chamber based on evidence presented (above).
- 339 Galic Trial Judgement, para. 465
Uncited conclusion of the Trial Chamber based on evidence presented (above).
- 340 Galic Trial Judgement, para. 489
Uncited conclusion of the Trial Chamber.
- Hamill, T. 6193-4; Kovacs, T. 11482-4; P3734
(Shelling report of Richard Higgs dated 12 February 2002).

341	<p>The mortar shell which exploded at Markale market on 5 February 1994 was fired from SRK-controlled territory.</p> <p>The mortar shell which struck Markale was fired deliberately at the market. That market drew large numbers of people. There was no reason to consider the market area as a military objective.</p>	<p>Galic Trial Judgement, para. 496</p>	<p>Uncited conclusion of the Trial Chamber.</p>
342		<p>Galic Trial Judgement, para. 495</p>	<p>Uncited conclusion of the Trial Chamber.</p>
343	<p>The shell was deliberately aimed at civilians.</p>	<p>Galic Appeal Judgement, para. 335</p>	<p>This finding was overturned on review. The Galic Appeal Judgement states, "The Trial Chamber was incorrect to find that the shell was deliberately aimed at Markale market." See Galic Appeal Judgement, para. 335.</p> <p>The fact contains an essentially legal conclusion regarding the "civilian" status of persons struck by shelling.</p>