



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations
of International Humanitarian Law
Committed in the Territory of the
former Yugoslavia since 1991

Case No.: IT-95-5/18-T

Date: 24 May 2012

Original: English

IN THE TRIAL CHAMBER

Before: Judge O-Gon Kwon, Presiding Judge
Judge Howard Morrison
Judge Melville Baird
Judge Flavia Lattanzi, Reserve Judge

Registrar: Mr. John Hocking

Decision of: 24 May 2012

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**DECISION ON PROSECUTION MOTION FOR ADMISSION OF
MILAN TUPAJIĆ'S EVIDENCE IN LIEU OF *VIVA VOCE* TESTIMONY
PURSUANT TO RULE 92 *BIS***

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused

Mr. Radovan Karadžić

Standby Counsel

Mr. Richard Harvey

THIS TRIAL CHAMBER of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 (“Tribunal”) is seised of the “Prosecution Motion for Admission of Milan Tupajić’s Evidence in Lieu of *Viva Voce* Testimony Pursuant to Rule 92 *bis*”, filed on 11 May 2012 (“Motion”), and hereby issues its decision thereon.

I. Background and Submissions

1. On 23 September 2011, the Chamber issued the “Decision on Prosecution’s Motion to Subpoena Milan Tupajić”, granting the request of the Office of the Prosecutor (“Prosecution”) to issue a subpoena ordering Milan Tupajić (“Witness”) to appear and testify before the Chamber in this case commencing on 3 October 2011. On the same day, the Chamber issued a confidential subpoena (“First Subpoena”)¹ ordering the Witness to testify before the Chamber or to show good cause why the subpoena could not be complied with.² In addition, the Chamber requested the government of Bosnia and Herzegovina (“BiH”) to serve the First Subpoena on the Witness, to take all necessary measures to ensure that he appears to testify before the Chamber as indicated in the First Subpoena, and to provide a written report on the execution of the First Subpoena.³

2. On 10 October 2011, BiH submitted the memorandum of service of the First Subpoena and accompanying documentation, which included correspondence from the Witness and some medical documentation (“First Memorandum of Service”). These were translated into English and filed confidentially on 26 October 2011. The First Memorandum of Service indicated that the Witness had read the First Subpoena and was unwilling to appear before the Chamber.⁴ In the accompanying correspondence, the Witness stated that although he had testified in the case of *Prosecutor v. Krajišnik* (“*Krajišnik* case”), he was unwilling to come to testify in these proceedings primarily due to his current medical problems, but also because of “secondary reasons”.⁵ The Witness submitted lengthy medical documentation in support of his claim that he was unfit to travel and testify.⁶

3. On 27 October 2011, the Prosecution filed confidentially the “Prosecution Motion for Order in Lieu of an Indictment and for Warrant of Arrest”, requesting the Chamber to issue an order in

¹ Subpoena Ad Testificandum, confidential, 23 September 2011.

² First Subpoena, p. 2.

³ Order to the Government of Bosnia and Herzegovina Concerning Subpoena Ad Testificandum, confidential, 23 September 2011, p. 2.

⁴ First Memorandum of Service, pp. 3–4.

⁵ First Memorandum of Service, pp. 4–7.

⁶ First Memorandum of Service, Annex, pp. 1–13.

lieu of indictment charging the Witness with contempt of the Tribunal pursuant to Rule 77(A) and (G) of the Tribunal's Rules of Procedure and Evidence ("Rules") and an accompanying warrant of arrest and order for surrender.⁷

4. On 3 November 2011, the Chamber issued confidentially a second subpoena once again ordering the Witness to appear and testify in these proceedings ("Second Subpoena").⁸ The Chamber noted that the reasons provided by the Witness for his refusal to comply with the First Subpoena did not constitute a just excuse and therefore reiterated its order requiring him to appear and testify in this case on 28 November 2011 or to show good cause why he could not so comply.⁹ On the same day, the Chamber issued an order to BiH to serve the Second Subpoena on the Witness, to take all necessary measures to ensure that he appears to testify before the Chamber as indicated in the Second Subpoena, and to provide a written report on the execution of the Second Subpoena.¹⁰

5. On 8 November 2011, BiH submitted the memorandum of service of the Second Subpoena ("Second Memorandum of Service"). This was translated into English and filed confidentially on 11 November 2011. The Second Memorandum of Service indicated that the Witness continued to refuse to comply with the Second Subpoena, stating that his reasons were given to the Chamber previously.¹¹

6. On 30 November 2011, the Chamber issued an Order in Lieu of Indictment in which it ordered that the Witness be prosecuted for contempt of the Tribunal, punishable under Rule 77(A) and (G) of the Rules for

having been informed on 5 October 2011 and 8 November 2011, respectively, of the contents of the two subpoenas dated 23 September 2011 and 3 November 2011, and of his obligation to appear before the Chamber or to show good cause why he could not comply with the two subpoenas and therefore knowingly and wilfully interfering with the administration of justice by refusing to comply with the Chamber's First Subpoena of 23 September 2011 and Second Subpoena of 3 November 2011.¹²

⁷ Prosecution Motion for Order in lieu of Indictment and for Warrant of Arrest, p. 2.

⁸ Second Subpoena Ad Testificandum, confidential, 3 November 2011.

⁹ Second Subpoena, pp. 2–3.

¹⁰ Order to the Government of Bosnia and Herzegovina Concerning Second Subpoena Ad Testificandum, confidential, 3 November 2011.

¹¹ Second Memorandum of Service, pp. 2–3.

¹² Order in Lieu of Indictment, confidential, 30 November 2011, para. 9. The confidentiality was lifted on 14 December 2011.

On the same day, the Chamber issued confidentially a warrant for arrest and order for surrender to the authorities of BiH to arrest, detain, and promptly surrender the Witness to the Tribunal.¹³

7. The Witness was transferred to the seat of the Tribunal on 15 December 2011, and his trial was held on 3 February 2012. On 24 February 2012, the Chamber issued its “Judgement on Allegations of Contempt” (“*Tupajić* Judgement”), wherein it found that the Witness had not demonstrated any just excuse as to why he could not comply with the First Subpoena and the Second Subpoena.¹⁴ Consequently, the Chamber found the Witness guilty of contempt and sentenced him to a single sentence of two months of imprisonment.¹⁵

8. In the Motion, the Prosecution requests the admission, pursuant to Rule 92 *bis* of the Rules, of the transcripts of the Witness’s prior testimony in the *Krajišnik* case (“Proposed Evidence”) together with the associated exhibits listed in Appendix A to the Motion.¹⁶ The Prosecution first submits that the Proposed Evidence is relevant and probative to the crimes charged in Counts 3 to 8, primarily Scheduled Incidents A.13.1 and D.20, of the Third Amended Indictment (“Indictment”).¹⁷ The Prosecution further submits that the Proposed Evidence includes “limited evidence” of acts and conduct of the Accused, and that, out of an abundance of caution and in order to ensure compliance with Rule 92 *bis*, it has redacted these portions as well as other portions relating to acts and conduct of organs or groups which could arguably encompass acts and conduct of the Accused.¹⁸ The Prosecution also argues that the Proposed Evidence is reliable, as the Witness gave sworn testimony and was extensively cross-examined in the *Krajišnik* case, and because his testimony is corroborated by other witness and documentary evidence, as submitted in Confidential Appendix B to the Motion.¹⁹ The Prosecution then recalls the Chamber’s discretion to decide whether to admit the Proposed Evidence pursuant to Rule 92 *bis*, and provides a number of factors which should be taken into consideration by the Chamber in favour of its admission.²⁰ In this regard, the Prosecution states that there is no overriding public interest in the oral presentation of the Proposed Evidence, that it does not form a critical or pivotal element of the Prosecution’s case, and that it is typical “crime-base” evidence routinely admitted without cross-examination.²¹

¹³ Warrant of Arrest and Order for Surrender, confidential, 30 November 2011. The confidentiality was lifted on 14 December 2011.

¹⁴ *In the Contempt case of Milan Tupajić*, Case No. IT-95-5/18-R77.2, Judgement on Allegations of Contempt, 24 February 2012 (“*Tupajić* Judgement”), paras. 26, 30.

¹⁵ *Tupajić* Judgement, para. 36.

¹⁶ Motion, para. 1, Appendix A.

¹⁷ Motion, paras. 2, 8.

¹⁸ Motion, para. 6. *See also* Motion, paras. 14–15.

¹⁹ Motion, paras. 9, 11, 13, Confidential Appendix B.

²⁰ Motion, para. 10.

²¹ Motion, paras. 10–15.

Therefore, according to the Prosecution, the Proposed Evidence should be admitted without requiring the Witness to appear for cross-examination.²²

9. The Accused filed his “Response to Prosecution Motion for Admission of Milan Tupajić’s Evidence Pursuant to Rule 92 *bis*” on 15 May 2012 (“Response”), wherein he opposes the Motion. The Accused contends first that even if the Proposed Evidence is “cleansed of all matters” which relate to the acts, conduct, and mental state of the Accused, it still does not meet the test for admission under Rule 92 *bis*.²³ The Accused further argues that none of the factors listed under Rule 92 *bis*(A)(i) favour the admission of the Witness’s evidence, including that the Witness’s evidence is not cumulative of testimony from other witnesses in this case.²⁴ Moreover, the Accused argues that all of the factors listed under Rule 92 *bis*(A)(ii) favour the exclusion of the Proposed Evidence.²⁵ The Accused adds that: 1) the discrepancies found between the Proposed Evidence and a 2002 interview of the Witness with the Prosecution, 2) the poor quality of the Witness’s cross-examination in the *Krajišnik* case, and 3) the Witness’s refusal to testify in this case, as well as his subsequent conviction for contempt, all undermine the reliability of the Witness’s prior testimony.²⁶ Finally, the Accused argues that the Chamber has never admitted the prior testimony of a witness who held a similar position to that of the Witness during the Indictment period, pursuant to Rule 92 *bis* without cross-examination, and thus, admitting the Witness’s evidence under this rule would be “absolutely incompatible” with the Chamber’s prior Rule 92 *bis* decisions.²⁷

10. Having been granted leave to reply,²⁸ the Prosecution filed the “Prosecution Reply to Accused’s Response to Prosecution Motion for Admission of Milan Tupajić’s Evidence Pursuant to Rule 92 *bis*” on 17 May 2012 (“Reply”). The Prosecution first submits that contrary to the Accused’s position, “[v]irtually every aspect” of the Proposed Evidence is cumulative, citing examples of evidence from witnesses in both oral and written forms, as well as documentary evidence.²⁹ The Prosecution also argues that the Proposed Evidence is reliable,³⁰ and that the

²² Motion, paras. 12, 17.

²³ Response, para. 2.

²⁴ Response, paras. 3–4.

²⁵ Response, paras. 5.

²⁶ Response, para. 5.

²⁷ Response, para. 6.

²⁸ The Chamber informed the parties of its decision *via* email correspondence on 16 May 2012, noting also that it would put this decision on the record at a later stage. *See also* Prosecution Request for Leave to Reply to Accused’s Response to Prosecution Motion for Admission of Milan Tupajić’s Evidence Pursuant to Rule 92 *bis*, 16 May 2012.

²⁹ Reply, paras. 2–7.

³⁰ Reply, paras. 8–10.

Witness's "level" during the Indictment period is not relevant in determining whether he should be called for cross-examination pursuant to Rule 92 *bis* (C).³¹

II. Discussion

11. The Chamber first recalls its 15 October 2009 "Decision on the Prosecution's Third Motion for Admission of Statements and Transcripts of Evidence in Lieu of *Viva Voce* Testimony Pursuant to Rule 92 *bis* (Witnesses for Sarajevo Municipality)" ("Decision on Third Rule 92 *bis* Motion"), in which it outlined the law applicable to motions made pursuant to Rule 92 *bis*. The Chamber will not discuss the applicable law again here, but refers to the relevant paragraphs of the Decision on Third Rule 92 *bis* Motion when necessary.³²

12. The Chamber further recalls the deadline imposed by the Pre-trial Chamber for the Prosecution to file all motions to admit written evidence pursuant to Rule 92 *bis* by 29 May 2009,³³ as well as the Chamber's instruction to the Prosecution on 26 April 2012, to submit all evidence-related motions to it by 4 May 2012.³⁴ Despite the Motion having been filed after the expiration of both deadlines, the Chamber has decided to consider the Motion, as it is the result of the particular circumstances surrounding the Witness and his refusal to testify in this case. The Chamber therefore moves to consider whether the Proposed Evidence meets the requirements for admission pursuant to Rule 92 *bis*.

A. Proposed Evidence

13. The Witness was the President of the Sokolac Municipal Assembly in 1991, and in April 1992 became the President of the Crisis Staff in Sokolac. During his testimony in the *Krajišnik* case on 28, 29, and 30 June 2005, the Witness described, among other things, the role and the functions of the Sokolac Crisis Staff and its communications with the Republika Srpska leadership ("RS leadership"). He further described that between late May 1992 and July 1992, he witnessed columns of Bosnian Muslims passing through Sokolac heading to Olovo, and provided details of one instance where the Sokolac Crisis Staff assisted in the transportation of 500 to 600 Muslims from Bratunac to Visoko, through Sokolac. The Witness also discussed crimes committed against non-Serbs in Sokolac municipality by the VRS 2nd Romanija Brigade, including the killing of men in the village of Novoseoci, as well as the destruction of mosques in Sokolac, as described in

³¹ Reply, paras. 11–15, Confidential Appendix A.

³² Decision on Third Rule 92 *bis* Motion, paras. 4–11.

³³ Order Following on Status Conference and Appended Work Plan, 6 April 2009.

³⁴ Scheduling Order on Close of the Prosecution Case, Rule 98 *bis* Submissions, and Start of the Defence Case, 26 April 2012, para. 16.

Scheduled Incidents A.13.1 and D.20, respectively, of the Indictment. Finally, the Witness described the events surrounding his wish to resign from his position in the Sokolac Crisis Staff in October 1992, and his ultimate decision to continue performing his duties.

14. The Chamber is satisfied that the Proposed Evidence is relevant to the charges against the Accused, namely Counts 3–8, and Scheduled Incidents A.13.1 and D.20 of the Indictment, as it specifically relates to the takeover of the Sokolac municipality, the killing and unlawful detention of Bosnian Muslims in Sokolac, particularly in the village of Novoseoci, as well as the destruction of mosques in Sokolac. Furthermore, given that the Proposed Evidence is a transcript from a prior case, the Chamber is satisfied of its probative value for the purposes of admission pursuant to Rule 92 *bis*.

15. The Chamber notes that the Prosecution has redacted most of the references to the acts and conduct of the Accused, as well to the “leadership of the SDS”, “state leadership”, “SDS Main Board”, and “RS leadership”, in the Proposed Evidence. In the Motion, the Prosecution states that it has not redacted a portion of the Proposed Evidence in which the Witness testified about a letter he sent to the Accused on 15 July 1992 in response to a telegram sent by the Accused on 14 July 1992—admitted as exhibit D95 in this case—because this testimony goes to the acts of conduct of the Witness, not to the acts or conduct of the Accused.³⁵ The Chamber notes that in the letter, the Witness reported to the Accused regarding the implementation of the Accused’s 14 July 1992 order in Sokolac. Consequently, the Chamber is not satisfied that this portion of the Proposed Evidence relates only to the Witness’s acts and conduct, and in fact, considers that it refers directly to the acts and conduct of the Accused as charged in the Indictment; thus, the Chamber finds that it is not appropriate for admission pursuant to Rule 92 *bis*.³⁶ Moreover, the Chamber notes that the portions of the Proposed Evidence referring to: (i) whether the Witness reported the “massacre at Novoseoci” to the Accused or any other members of the RS leadership, and (ii) whether the Accused was involved in organisational issues within the Sokolac municipal government, specifically regarding a hospital in Sokolac, also relate to the acts and conduct of the Accused as charged in the Indictment, and are therefore inadmissible pursuant to Rule 92 *bis*.³⁷

16. Bearing in mind the Chamber’s finding in the previous paragraph, the Chamber is satisfied that the remainder of the Proposed Evidence, with the appropriate redactions made by the

³⁵ See Motion, para. 7.

³⁶ The Chamber notes that this portion of the Proposed Evidence is found at T. 15421, line 14 to T. 15423, line 18 and is also referred to in paragraph 22 of this Decision.

³⁷ The Chamber notes that these portions of the Proposed Evidence are found at (i) T. 15435, line 22 to T. 15436, line 15 and (ii) T. 15472, lines 3 to 9, and are also referred to in paragraph 22 of this Decision.

Prosecution, does not pertain directly to the acts and conduct of the Accused as charged in the Indictment, nor to any acts or conduct which goes to establish that the Accused participated in a joint criminal enterprise (“JCE”), as charged in the Indictment, or shared with the person who actually did commit the crimes charged in the Indictment the requisite intent for those crimes. The Chamber further finds that the redactions suggested by the Prosecution to the Proposed Evidence have not made the remaining evidence incomprehensible or unreliable.

17. The Chamber is further satisfied that portions of the Proposed Evidence are primarily crime-base evidence as the Witness describes events which took place in the Sokolac municipality between April 1992 and October 1992 in relation to the movement of the Bosnian Muslim population through Sokolac, as well as to attacks on Bosnian Muslim villages and the destruction of mosques in the municipality. With regard to the cumulative nature of the Proposed Evidence, the Chamber has reviewed the references provided by the Prosecution in Confidential Appendix B to the Motion and notes that some of them are, in fact, references to associated exhibits of the Proposed Evidence itself which have not yet been admitted into evidence in this case. The Chamber does not consider that, in and of themselves, proposed associated exhibits of the same evidence being tendered pursuant to Rule 92 *bis* provide satisfactory corroboration for admission in this form. Notwithstanding this fact, the Chamber notes that there is additional corroborative or cumulative evidence for these areas of the Proposed Evidence, in the form of documentary evidence, as well as evidence from other witnesses, both in oral and written form;³⁸ therefore, the Chamber finds that the Proposed Evidence is sufficiently corroborated for the purposes of admission under Rule 92 *bis*. The Chamber finds that there are no further factors that weigh against the admission of the Proposed Evidence pursuant to paragraphs (A) and (B) of Rule 92 *bis*.

18. The Chamber recalls that the Chamber has discretion to require witnesses to appear for cross-examination with regard to written evidence that is found to be admissible pursuant to Rule 92 *bis*; if it decides as such, the provisions of Rule 92 *ter* shall apply. In making this assessment in relation to the Proposed Evidence, the Chamber has taken into account the criteria pertaining to Rule 92 *bis*(C) established in the case-law of the Tribunal, and described in detail in the Decision on Third Rule 92 *bis* Motion.³⁹ In particular, the Chamber has considered whether the evidence: (i) is crime-base; (ii) touches upon a “live and important issue between the parties”; and

³⁸ See, *inter alia*, Munira Selmanović, T. 18526–18563 (7 September 2011); P3295 (Witness statement of Munira Selmanović dated 23 January 2009); P131 (Witness statement of Asim Hamzić dated 25 March 1996); P132 (Witness statement of Asim Hamzić dated 6 November 2001); Andras Riedlmayer, T. 22548 (9 December 2011); Adjudicated Facts 2678–2683.

³⁹ Decision on Third Rule 92 *bis* Motion, para. 10.

(iii) describes the acts and conduct of a person for whose acts and conduct the Accused is charged with responsibility, and how proximate the acts and conduct of this person are to the Accused.

19. First, the Chamber notes that the cross-examination of the Witness in the *Krajišnik* case did not cover some of the topics discussed during his direct examination. However, the Chamber does not consider that a limited cross-examination in a previous case, especially as it relates to crime-base evidence, is sufficient to require the Witness to appear for cross-examination. Furthermore, although the Chamber notes that the Witness held a high-level position in the Sokolac municipality during the Indictment period, the Chamber also does not consider this alone to be a factor which would require the Witness to be cross-examined by the Accused.

20. However, despite the redactions made by the Prosecution to the Proposed Evidence, the Chamber notes that considerable portions still touch upon a live or important issue between the Prosecution and the Accused and/or describe the acts and conduct of individuals who were in close proximity of the Accused during the Indictment period. In this respect, and in line with the Chamber's prior Rule 92 *bis* decisions, the Chamber would require the Witness to appear for cross-examination on specific areas of the Proposed Evidence, *inter alia*: (i) the implementation of the Variant A and B Instructions; (ii) communications with, and reporting of crimes to, members of the RS leadership, including Momčilo Krajišnik and Ratko Mladić; (iii) the implementation of the Decision on the Strategic Objectives of the Serbian People in BiH issued by Momčilo Krajišnik following the 16th RS Assembly Session held on 12 May 1992; and (iv) meetings with Ratko Mladić, Momčilo Krajišnik, and the Accused.

21. However, taking into account the special circumstances surrounding the Prosecution's efforts to bring the Witness to testify pursuant to Rule 92 *ter*, and the fact that the Witness has made it clear that he is not willing to testify in this case, the Chamber considers that it would not be in the interests of justice to require the appearance of the Witness for cross-examination at this point. In the Chamber's view, the admission of the portions of the Proposed Evidence referring to the above-mentioned topics, without the Accused having an opportunity to cross-examine the Witness on them, would constitute an unfair prejudice to the Accused; as such, the probative value of these portions is outweighed by the need to ensure a fair trial and the Chamber shall not admit them into evidence. The Chamber also notes that certain additional portions of the Proposed Evidence are rendered unclear or unreliable as a result of the exclusion of the aforementioned portions, and therefore the Chamber shall not admit these limited portions either.

22. Accordingly, in addition to the redactions already made by the Prosecution,⁴⁰ the following portions of the Proposed Evidence shall not be admitted into evidence: (1) T. 15323, line 12 to T. 15327, line 16; (2) T. 15370, line 14 to T. 15373, line 8; (3) T. 15397, lines 13 to 25; (4) T. 15398, line 14 to T. 15399, line 14; (5) T. 15400, line 11 to T. 15401, line 20; (6) T. 15421, line 14 to T. 15423, line 18; (7) T. 15424, line 22 to T. 15425, line 2; (8) T. 15435, line 22 to T. 15436, line 15; (9) T. 15445, line 25 to T. 15448, line 5; (10) T. 15448, line 15 to T. 15449, line 5; (11) T. 15450, line 19 to T. 15451, line 21; (12) T. 15458, line 24 to T. 15459, line 25; (13) T. 15461, line 14 to T. 15462, line 1; (14) T. 15463, line 24 to T. 15466, line 22; (15) T. 15472, lines 3 to 9; (16) T. 15474, line 10 to T. 15477, line 22; (17) T. 15489, lines 3 to 22; (18) T. 15490, lines 13 to 17; (19) T. 15496, line 4 to T. 15497, line 20; (20) T. 15508, lines 1 to 22; (21) T. 15509, line 3 to T. 15510, line 25; (22) T. 15516, line 8 to T. 15526, line 11; and (23) T. 15526, line 18 to T. 15527, line 2.

23. With the exception of these portions, as discussed above, the Chamber finds that the remainder of the Proposed Evidence is reliable, relevant to the current proceedings, and of probative value; as such, it will be admitted into evidence pursuant to Rule 92 *bis*.

B. Associated Exhibits

24. The Prosecution requests the admission of 15 exhibits associated with the Proposed Evidence, and listed in Appendix A to the Motion. As set out in the Decision on Third Rule 92 *bis* Motion, only those associated exhibits that “form an inseparable and indispensable part of the testimony” may be admitted. To fall into this category, the witness must have discussed the associated exhibit in the transcript of his or her prior evidence or written statement, and that transcript or written statement would become incomprehensible or of less probative value if the exhibit is not admitted.⁴¹

25. Having reviewed the Proposed Evidence, the Chamber notes that the associated exhibits were all discussed by the Witness during his testimony in the *Krajišnik* case. However, the associated exhibits with Rule 65 *ter* numbers 01110 and 20046 were discussed in portions of the Proposed Evidence of which the Chamber has denied admission; therefore, these two documents do not form an inseparable and indispensable part of the admitted evidence and shall not be admitted into evidence. The Chamber considers that the remaining 13 associated exhibits tendered by the Prosecution in Appendix A to the Motion form an inseparable and indispensable part of the

⁴⁰ The Chamber notes that for purposes of clarity, some portions of the Proposed Evidence which have already been redacted by the Prosecution are included in the further redactions ordered by the Chamber in this paragraph.

⁴¹ Decision on Third Rule 92 *bis* Motion, para. 11.

Proposed Evidence, and failure to admit them would make the said testimony incomprehensible or of a lesser probative value. The Chamber will therefore admit the associated exhibits with Rule 65 *ter* numbers: 01521, 05357, 05361, 05364, 05367, 05372, 05389, 07271, 07475, 07928, 08333, 20037, and 20045.


26. Finally, the Chamber notes that it will not entertain any additional submissions related to the Witness at this stage in the case.

III. Disposition

27. Accordingly, pursuant to Rules 54, 89, and 92 *bis* of the Rules, the Chamber hereby **GRANTS** the Motion **IN PART** and:

- A. **ADMITS** into evidence the relevant portions of the Proposed Evidence, with the exception of the portions outlined in paragraph 22 above;
- B. **ORDERS** the Prosecution to upload into e-court the further redacted transcript of the Witness's evidence in the *Krajišnik* case, which should contain only the portions admitted in this Decision;
- C. **ADMITS** into evidence the documents with Rule 65 *ter* numbers: 01521, 05357, 05361, 05364, 05367, 05372, 05389, 07271, 07475, 07928, 08333, 20037, and 20045;
- D. **REQUESTS** the Registry to assign exhibit numbers to the documents admitted in this Decision; and
- E. **DENIES** the Motion in all other respects.

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



 Judge O-Gon Kwon
 Presiding

Dated this twenty-fourth day of May 2012
 At The Hague
 The Netherlands

[Seal of the Tribunal]