



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: 14 April 2014

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: 14 April 2014

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC WITH PUBLIC ANNEX A AND CONFIDENTIAL ANNEX B

**DECISION ON ACCUSED'S BAR TABLE MOTION:
MUNICIPALITY COMPONENT DOCUMENTS**

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused

Mr. Radovan Karadžić

Standby Counsel

Mr. Richard Harvey

THIS TRIAL CHAMBER of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 (“Tribunal”) is seised of the Accused’s “Bar Table Motion: Municipality Component Documents”, filed on 3 March 2014 (“Motion”), and hereby issues its decision thereon.

I. Background and Submissions

1. In the Motion, Accused seeks the admission of 444 items relating to the municipalities component of the case (“Items”) from the bar table pursuant to Rule 89(C) of the Tribunal’s Rules of Procedure and Evidence (“Rules”).¹ The Accused submits that he has explained the relevance, probative value, and reliability of each of the Items and how they fit into his case in Annex A to the Motion.²

2. The Accused also requests that the Items in Annex A which are denoted by an asterisk be added to his exhibit list filed pursuant to Rule 65 *ter* of the Rules (“Exhibit List”) on the basis that he did not anticipate using them when the list was filed and that, particularly after he decided not to testify, he was able to make a more comprehensive review of the documents in his possession and identified additional material that he believes are relevant and necessary.³

3. On 20 March 2014,⁴ the Prosecution filed the “Prosecution Response to ‘Bar Table Motion: Municipality Component Documents’ with Public Appendix A and Confidential Appendix B” (“Response”, “Appendix A”, and “Confidential Appendix B”, respectively), in which the Prosecution opposes the Motion in part.⁵ In this regard, the Prosecution objects to various Items in the Motion on, *inter alia*, the following grounds: (i) that certain Items are duplicates of evidence either already admitted or proposed in the Motion;⁶ (ii) that certain Items are insufficiently contextualised such that they lack relevance or probative value;⁷ (iii) that certain Items lack relevance or probative value or fail to support the proposition asserted in the Motion;⁸ (iv) that certain Items relate to non-charged municipalities or municipalities that have been dropped from

¹ Motion, paras. 1, 3; Annex A.

² Motion, para. 2; Annex A.

³ Motion, para. 5.

⁴ At the request of the Office of the Prosecutor (“Prosecution”), the Chamber granted an extension of time to respond to the Motion until 20 March 2014. Decision on Prosecution Motion Requesting an Extension of Time to File Response, 13 March 2014.

⁵ Response, paras. 2, 21.

⁶ Response, paras. 2, 5.

⁷ Response, paras. 2, 6–11.

⁸ Response, paras. 2, 15–18.

the Indictment;⁹ (v) that certain Items consist of media reports;¹⁰ (vi) that certain Items have not been translated;¹¹ (vii) that the original documents for certain Items have not been uploaded into e-court;¹² and (viii) that one Item is an unauthenticated intercept.¹³ The Prosecution details further objections in Appendix A, which the Chamber will address in more detail in the Discussion section below.

4. The Prosecution further submits that even where it does not object to the admission of an Item, it does not necessarily accept the Accused's interpretation of it.¹⁴

5. Finally, the Prosecution notes that if the Chamber deems several Items detailed in Appendix B appropriate for admission, they should be temporarily placed under seal.¹⁵

6. On 3 April 2014, the Chamber asked the parties via email to make further submissions on 65 *ter* 1D71030. On 4 April 2014, the Prosecution filed the "Prosecution's Further Submission in Regard to 65 *ter* 1D71030" ("Prosecution Further Submission"). On the same day, the Accused's legal adviser informed the Chamber via email that the Accused agrees with the Prosecution Further Submission and does not have any further submissions to make.

II. Applicable Law

7. Rule 89 of the Rules provides, in relevant part:

- (C) A Chamber may admit any relevant evidence which it deems to have probative value.
- (D) A Chamber may exclude evidence if its probative value is substantially outweighed by the need to ensure a fair trial.
- (E) A Chamber may request verification of the authenticity of evidence obtained out of court.

8. The Chamber recalls that while the most appropriate method for the admission of a document is through a witness who can speak to it and answer questions in relation thereto, the admission of evidence from the bar table is a practice established in the case-law of the Tribunal.¹⁶

⁹ Response, paras. 2, 12.

¹⁰ Response, paras. 2, 13.

¹¹ Response, paras. 2, 19.

¹² Response, paras. 2, 20.

¹³ Response, paras. 2, 14.

¹⁴ Response, para. 3.

¹⁵ Response, para. 4.

¹⁶ Decision on the Prosecution's First Bar Table Motion, 13 April 2010 ("First Bar Table Decision"), para. 5; Decision on Prosecution Bar Table Motion for the Admission of Bosnian Serb Assembly Session Records, 22 July 2010

Evidence may be admitted from the bar table if it is considered to fulfil the requirements of Rule 89, namely that it is relevant, of probative value, and bears sufficient indicia of authenticity.¹⁷ Once these requirements are satisfied, the Chamber maintains discretionary power over the admission of the evidence, including by way of Rule 89(D), which provides that it may exclude evidence if its probative value is substantially outweighed by the need to ensure a fair trial.¹⁸ Admission from the bar table is a mechanism to be used on an exceptional basis since it does not necessarily allow for the proper contextualisation of the evidence in question.¹⁹

9. The Chamber also recalls its “Order on Procedure for Conduct of Trial” filed on 8 October 2009 (“Order”), which states with regard to any request for the admission of evidence from the bar table that:

the requesting party shall: (i) provide a short description of the document of which it seeks admission; (ii) clearly specify the relevance and probative value of each document; (iii) explain how it fits into the party’s case, and (iv) provide the indicators of the document’s authenticity.²⁰

III. Discussion

10. The Chamber recalls that in seeking the admission of evidence from the bar table, it is incumbent upon the tendering party to demonstrate, with sufficient clarity and specificity, where and how each document fits into its case.²¹ Save for the specific instances detailed below,²² the Chamber is satisfied with the explanations provided by the Accused as to how each of the Items fits into his case.

11. With respect to the requirement that materials offered from the bar table bear sufficient indicia of authenticity, the Chamber is of the view that, save for the specific instances discussed below,²³ they bear sufficient indicia of authenticity, such that they may be admitted into evidence from the bar table, if the remaining requirements of Rule 89(C) are met.

(“Second Bar Table Decision”), para. 4; Decision on Prosecution’s Motion for Admission of Evidence from the Bar Table (Hostages), 1 May 2012 (“Hostages Bar Table Decision”), para. 4.

¹⁷ Rule 89(C), (E).

¹⁸ Hostages Bar Table Decision, para. 4, citing First Bar Table Decision, para. 5. *See also* Decision on Prosecution’s Motion for Admission of Evidence from the Bar Table and for Leave to Add Exhibits to the Rule 65 *ter* Exhibit List, 21 February 2012, para. 5.

¹⁹ Hostages Bar Table Decision, para. 4, citing First Bar Table Decision, paras. 9, 15.

²⁰ Order, Appendix A, Part VII, para. R.

²¹ First Bar Table Decision, para. 6.

²² *See* paras. 21, 69, 83, 85, 86, 157 *infra*.

²³ *See* paras. 27, 39–43, 46, 51, 106, 131, 135 *infra*.

12. With respect to relevance, the Chamber will simply note at this stage that 15 of the Items predate the commencement of the Indictment period in October 1991.²⁴ As the Chamber has previously stated, while a document that predates the time-period of the actual crimes alleged in the Indictment, does not, in and of itself, render it irrelevant, the parties should generally refrain from tendering such evidence given their marginal relevance to the crimes in the Indictment.²⁵ In reviewing these Items, the Chamber has therefore paid close attention to their relevance and probative value in relation to the allegations in the Indictment.

13. The Chamber will first review the Items to which the Prosecution does not object before assessing the Prosecution's objections in turn.

A. Assessment of Items to which the Prosecution does not object

14. Having reviewed the Items to which no objection is made, the Chamber considers that, save for the specific instances discussed below,²⁶ they are also all relevant and probative to the instant case. Thus, documents bearing the following 65 *ter* numbers shall be admitted from the bar table: 1D49070,²⁷ 1D01389, 1D27018, 1D00002, 1D01397, 00940, 1D01429, 1D26264, 20198, 1D21283, 06617, 1D20270, 1D26623, 1D05616, 1D26457, 1D02805, 1D21292, 1D04095, 1D26621, 1D21267, 1D27068, 1D03582, 1D04291, 1D20901, 1D27019, 01087, 1D00294, 1D26134 in part (only the "Order on the application of the rules of the international law of war in the Army of the Serbian Republic of Bosnia and Herzegovina" on pages 5 and 6 of the English translation),²⁸ 1D26343, 18703, 1D25423, 1D50126, 1D07039,²⁹ 1D27012, 1D07523, 1D26792, 1D25829, 1D04955, 1D02970, 1D04097, 1D00262,³⁰ 1D25929, 1D25862, 1D65305, 1D00627,

²⁴ These are 65 *ter* 1D49070, 1D01389, 06604, 1D27018, 1D00002, 1D00003, 1D25819, 1D01397, 00940, 1D01429, 1D26264, 1D00181, 20198, 1D04433, and 1D04619. The Chamber notes that for ease of reference and given the number of Items, when it has created lists of Items throughout this decision, it has done so in the order presented in the Motion.

²⁵ Decision on Prosecution's Second Bar Table Motion for the Admission of Intercepts, 25 May 2012 ("Second Bar Table Decision on Intercepts"), para. 21.

²⁶ See paras. 18, 19 *infra*.

²⁷ The Chamber notes that contrary to the Accused's submission, 1D49070 was not admitted in part as D4282 but rather that pages 1 to 3 were marked for identification as such. See T. 46591 (5 February 2014). The Chamber shall admit the full document uploaded under 65 *ter* 1D49070 as exhibit number D4282.

²⁸ The Chamber notes that the "Instructions on the Treatment of Prisoners" on pages 7 to 10 of the English version have already been admitted into evidence as P1134 and that the "capture card" at page 11 of the English version is a duplicate of 65 *ter* 1D00294, which shall be admitted in this decision. The Chamber further notes that pages 1 to 4 of 65 *ter* 1D26134 do not relate to the "Order on the application of the rules of the international law of war in the Army of the Serbian Republic of Bosnia and Herzegovina" which shall be admitted herein, and as such shall not be admitted.

²⁹ The Chamber notes that 65 *ter* 1D07039 is listed twice in the Motion and therefore it will only be admitted once. See Motion, Annex A, Items 97 and 100.

³⁰ The Chamber notes that there is a portion of handwritten text at the top of 65 *ter* 1D00262 which has not been translated and therefore instructs the Accused to have this portion translated and to upload it into e-court under 65 *ter* 1D00262.

1D04451, 1D00630, 1D25870, 1D20467, 1D00632, 1D07996, 1D27025, 1D27023, 1D00849, 1D04592, 1D09575,³¹ 1D07525, 1D65345, 1D26339, 1D04453, 1D03824, 1D26835, 01173, 1D27027, 1D27029, 01175, 01179, 1D01849, 1D25680, 01181, 1D27035, 1D27036, 1D26829, 18081, 1D26333, 1D26336, 1D07851, 04236, 1D27074, 1D04025, 1D40480, 1D02082, 1D04193, 1D05551, 01215, 1D05360, 1D05309, 1D03835, 1D25166, 23947, 1D28425, 1D20342, 1D26865, 1D26866, 1D26867, 1D26868, 23810, 1D26874, 1D26875, 1D26876, 1D26877, 1D26878, 1D26879, 1D26880, 1D26881, 1D26882, 1D26883, 1D26884, 1D26885, 1D26886, 1D04288, 1D05369, 17603, 1D26785, 1D07876,³² 11198, 1D25190, 1D25191, 1D02743, 10883,³³ 1D03857, 1D25919, 1D07322, 1D09574, 1D70269, 1D26817, 1D09565, 1D09566, 1D70363, 1D26818, 1D25925, 1D25681, 15393, 1D20178, 1D40502, 1D05392, 1D05394, 1D05395, 1D05398, 1D06178, 1D06026, 1D30056, 02006, 02258, 03557, 04062, 04307, 1D30063, 1D01015, 1D30064, 1D03902, 1D05439, 1D40423, 1D70510, 1D15069, 1D03966, 1D03971, 1D04022, 1D05351, 1D26016, and 1D05419.³⁴

15. The Chamber also notes that the Prosecution does not object to the admission of 65 *ter* 1D25881, a set of two documents dated 7 and 10 August 1992 related to the Manjača detention facility, but only under the condition that the corresponding BCS and English versions of the documents are uploaded into e-court. The Chamber has reviewed the documents and notes that the BCS original uploaded into e-court is not complete. Accordingly, considering that it is both relevant and probative, the Chamber shall admit 65 *ter* 1D25881 into evidence and instructs the Accused to upload the BCS original of the second document dated 10 August 1992 into e-court to correspond to the English version of the documents.

16. The Chamber also notes that the Prosecution does not object to the admission of 65 *ter* 1D65306, an excerpt from a book relating to the agreement reached at the London Conference; however, the cover page of the book is not currently uploaded into e-court. Therefore, considering that the document is both relevant and probative, the Chamber shall admit it into evidence and, in line with its practice regarding the admission of books, instructs the Accused to upload into e-court the cover page to the book under 65 *ter* 1D65306.

³¹ The Chamber notes that 65 *ter* 1D09575 is listed twice in the Motion and therefore it will only be admitted once. *See* Motion, Annex A, Items 170 and 445.

³² The Chamber notes that 65 *ter* 1D07876 is listed twice in the Motion and therefore it will only be admitted once. *See* Motion, Annex A, Items 299 and 300.

³³ The Chamber notes that 65 *ter* 10883 is listed twice in the Motion and therefore it will only be admitted once. *See* Motion, Annex A, Items 312 and 313.

³⁴ The Chamber instructs the Accused to remove e-court page 3 of this Item as it pertains to another document.

17. The Chamber notes that the Prosecution objects to the admission of 65 *ter* 1D26435 on the basis that an incomplete BCS document is uploaded into e-court; however, the Prosecution submits that it does not object to its full admission if the complete document is uploaded. The Chamber has reviewed the document and notes that the Accused has now uploaded the accurate, complete documents for both the BCS and English versions of 65 *ter* 1D26435 and therefore, given that the other requirements under Rule 89(C) are met, the Chamber shall admit it into evidence from the bar table.

18. 65 *ter* 1D03612 is a report from the Territorial Defence (“TO”) centre in Brčko dated 20 May 1992, which states that a joint Bosnian Muslim and Croat crisis staff was established there. 65 *ter* 1D03876 is a report from the Command of the Security Department of the 17th Corps of the JNA, which the Accused tenders for the purpose of showing that there were paramilitary units in Brčko.³⁵ The Chamber recalls that for Brčko municipality, all scheduled incidents save for those related to the Luka camp were struck out of the Indictment, in particular crimes alleged to have occurred during the take-over.³⁶ During the course of the proceedings, the Chamber reminded the Accused of this and encouraged him, in relation to Brčko, to focus his attention to his alleged responsibility for the crimes charged in relation to the Luka camp only.³⁷ The Chamber shall therefore not admit 65 *ter* 1D03612 and 1D03876 on the basis that they are not relevant to the charges in the Indictment. The Chamber further notes that 65 *ter* 1D03873, a pass for Azemina Cavalić issued by the War Presidency of Brčko dated 13 May 1992, shall also not be admitted on this basis despite the Prosecution’s lack of objection on relevance.³⁸

19. 65 *ter* 21489 is a “New Year message” from the Accused which consists of a handwritten BCS and an English document bearing a date of 27 December 1992 as well as a signature. The Chamber considers that it is unclear which document is the original or whether both were produced contemporaneously, or to whom the message was directed or disseminated. The Chamber shall therefore not admit 65 *ter* 21489 into evidence.

20. 65 *ter* 1D71030 is a “Joint Declaration” which the Accused describes as having been “signed by Bulatović, Karadžić, Owen, Stoltenberg, Milošević, and Izetbegović” on 16 September 1993. The Accused further submits that the declaration was signed by himself and

³⁵ The Chamber notes that the Prosecution does not object on the basis of relevance but on the basis that only a partial translation has been uploaded. The Chamber does not take issue with the partial translation, which was in any event resolved by the Accused on 31 March 2014, since the untranslated parts pertained to municipalities not in the Indictment.

³⁶ See Indictment, para. 48, fn. 2, Scheduled Incidents A.4.1, A.4.2, A.4.3.

³⁷ T. 34626 (1 March 2013).

³⁸ The Chamber notes that the Prosecution objects to the admission of 65 *ter* 1D03873 only on the basis of lack of contextualisation.

Alija Izetbegović and witnessed by David Owen and Thorvald Stoltenberg, that Haris Siladžić and Momčilo Krajišnik were appointed as trustees for the implementation of the agreement, and that Momir Bulatović and Slobodan Milošević were also present. Having reviewed the document, the Chamber observed that despite the Accused's submission the document bore the date of 26 September 2005 in its header, and that the signature box appeared superimposed on the document, and as mentioned above,³⁹ requested further submissions from both parties. In the Prosecution Further Submission, with which the Accused has agreed, the Prosecution notes that a signed, dated copy of the Joint Declaration can be found under 65 *ter* 26105 in e-court, and suggests that 26105 could be substituted for 65 *ter* 1D71030.⁴⁰ The Prosecution also observes that 65 *ter* 01673, which contains an unsigned but otherwise identical version of the Joint Declaration, also includes a cover memo which describes the execution of the declaration.⁴¹ The Prosecution contends that this cover memo shows that the Accused's description of the document's relevance and probative value, as set out in the Motion, is inaccurate. The Chamber notes the agreement of the parties regarding the authenticity of the Joint Declaration, and notes that it is relevant to and probative of the Accused's involvement in international negotiations during the period relevant to the Indictment. Having reviewed the documents bearing 65 *ter* 26105 and 01673, the Chamber observes that the latter includes the information that Krajišnik signed the declaration for the Accused,⁴² and that this information is not reflected in 65 *ter* 26105. The Chamber therefore considers that in order to provide proper context for the Joint Declaration, 65 *ter* 01673 should also be admitted. The Chamber shall therefore deny 65 *ter* 1D71030 and admit both 65 *ter* 26105 and 01673.

21. 65 *ter* 1D05326 is a document which the Accused describes as an "order [...] signed by Manojlo Milovanović" dated 9 February 1994. The Accused contends that the document is signed by Milovanović and is relevant to "Serb responses to enemy provocations being controlled, selective, and proportionate". The Prosecution does not object to the document's admission but submits that 65 *ter* 1D05326 relates to, *inter alia*, the order of Milovanović which is already in evidence as P4493. Having reviewed both 65 *ter* 1D05326 and P4493, the Chamber observes that 1D05326 in fact appears to be a document of the Romanija Motorised Brigade forwarding the order of Milovanović, which has already been admitted as P4493. In light of the fact that the Accused's description of how the document fits into his case does not address this additional information, and

³⁹ See para. 6 *supra*.

⁴⁰ Prosecution's Further Submission in Regard to 65 *ter* 1D71030, paras. 4–5.

⁴¹ Prosecution's Further Submission in Regard to 65 *ter* 1D71030, para. 3.

⁴² 65 *ter* 01673.

that the document is otherwise duplicative of P4493, the Chamber shall not admit 65 *ter* 1D05326 into evidence.

B. Specific Prosecution Objections

i) Lack of English translations

22. The Prosecution objects to the admission of some of the Items on the basis that no English translation has been provided.

23. The Chamber recalls that the deadline for all exhibit-related matters was 17 March 2014,⁴³ two full weeks after the filing of the Motion. Given the number of Items sought for admission as well as the workload placed on the Accused and his team, the Chamber decided to exercise a degree of flexibility and to examine English translations that were uploaded past the 17 March deadline. However, the Chamber also took into consideration the fact that the Prosecution's deadline for filing its response on the 444 Items was 20 March 2014⁴⁴ and that any English translation uploaded into e-court after that date would therefore effectively deny the Prosecution the opportunity to respond to the Accused's request for the admission of these Items. The Chamber further considered that it was reasonable not to expect the Prosecution to be in a position to assess the newly translated Items on the same day the Response was due. The Chamber has thus not examined any Items for which the English translation was uploaded after 19 March 2014.

24. The Items with the following 65 *ter* numbers shall thus not be admitted on this basis: 1D04433, 1D04150, 1D03874, 1D04035,⁴⁵ 1D27041, 1D27084, 1D00197, 1D01997, 1D27086, 1D27087, 1D70614, 1D26347, 1D25901, 1D25825, 1D70547, 1D21266, 1D04030, 1D29147, 1D27015, 1D70294, 1D27039, 1D27031, 1D27030, 1D26340, 1D27022, 1D27034, 1D27037, 1D27040, 1D04115, 1D26166, 1D25823, 1D21255, 1D21252, 1D21226, 1D21256, 1D21246, 1D21274, 1D55010, 1D26859, 1D26862, 1D26863, 1D26864, 1D70605, 1D26869, 1D26870, 1D26871, 1D26872, 1D26873, 1D26335, 1D00497, 1D25917, 1D25830, 1D00101, 1D43036, 1D02744, 1D02747, 1D25753, 1D21276, 1D21279, 1D30092, 1D30084, 1D30057, 1D00896, 1D30078, 1D29197, 1D50031, 1D55009, 1D71058, 1D02983, 1D25869, 1D26320, 1D04044, and 1D20726.

⁴³ Order Regarding the Close of the Defence Case, 20 February 2014, p. 3.

⁴⁴ Decision on Prosecution Motion for Extension of Time to File Response, 13 March 2014, p. 3.

⁴⁵ The Chamber notes that when the Prosecution filed the Response, the document which appeared in e-court under the English translation for 65 *ter* 1D04035 was exhibit D1705. The Prosecution therefore submitted that there was no need to admit it again. At that time, in the course of its review, the Chamber had further noted that the BCS original of 65 *ter* 1D04035 did not seem to correspond to either its English translation or the description provided by the Accused for this document in Annex A to the Motion. Given that the correct English translation was only uploaded into e-court on 31 March 2014, not allowing the Prosecution to respond on the merits, the Chamber shall not examine 65 *ter* 1D04035 and shall treat it as an untranslated Item.

25. In relation to 65 *ter* 1D27021, a record of an oral criminal report by the Ključ Public Security Station (“SJB”) on 16 December 1992, the Prosecution objects to its admission on the basis that no English translation was uploaded into e-court. However, the Chamber notes that the English translation was uploaded into e-court on 7 March 2014, well before the Response was filed. As such, the Chamber will consider whether it meets the requirements for admission from the bar table as set out above. The Chamber is satisfied that 65 *ter* 1D27021 is similar to numerous other documents already admitted above, *i.e.* 1D27025, 1D27023, and 1D27035, and thus finds that it is relevant to and probative of the charges in the Indictment as it relates to the events during and after the take-over of Ključ municipality. Therefore, the Chamber shall admit 65 *ter* 1D27021 into evidence.

26. The Prosecution objects to the admission of 65 *ter* 1D21280, a report of the Sanski Most SJB dated 8 November 1993, and of 65 *ter* 1D25918, a security assessment produced by the Prijedor Detachment of the Banja Luka State Security Department Centre dated 8 April 1994, on the basis that no English translation of these documents was uploaded into e-court. However, the Chamber notes that the English translations for both of these documents were uploaded on 14 March 2014, well before the Response was filed. Accordingly, the Chamber will consider whether they meet the requirements for admission from the bar table. Having reviewed 65 *ter* 1D21280, which is addressed to the Chief of Security of the 6th Sana Brigade in Sanski Most and requests that two members of the 6th Krajina Brigade’s Reconnaissance Platoon, who were suspected of having committed robbery and murder in Krasulje village in Ključ municipality on 1 November 1993 be brought to the Banja Luka Security Services Centre, the Chamber considers that the document is relevant to the charges in the Indictment and that it has probative value. It shall therefore admit 65 *ter* 1D21280 into evidence. Having also reviewed 65 *ter* 1D25918, which states that in early April 1994, “specific actions and measures” were taken in order to redress incidents involving the harassment and perpetration of violence against the non-Serb population of Prijedor that had taken place during the preceding weeks, the Chamber considers that the document is relevant and has probative value. It shall therefore admit 65 *ter* 1D25918 into evidence.

27. With respect to 65 *ter* 1D70541, the Chamber notes that there is no English translation of the transcripts uploaded into e-court. The Chamber has also not been provided with the supporting material (video) of the transcripts sought for admission. The Chamber considers that the requirements of authenticity, relevance and probative value have not been met for the purpose of its admission into evidence. Accordingly, the Chamber shall not admit 65 *ter* 1D70541.

28. Finally, the Chamber notes that the Prosecution objects to the admission of three Items on the basis that there is only a partial translation uploaded into e-court. For 65 *ter* 1D00230 and 1D03858, given that the Chamber cannot review the complete documents and that the incomplete translation does not allow it to understand the documents in their entirety, it cannot be satisfied of their relevance and probative value for admission from the bar table. Accordingly, 65 *ter* 1D00230 and 1D03858 shall not be admitted. 65 *ter* 1D02807 is a list of Patriotic League and Green Beret units that were part of the Bosnian Muslim TO at the outbreak of the war, and as such the incomplete translation does not prevent the Chamber from understanding the content of the document. The Chamber has analysed both the original document and the partial translation, and is satisfied that the document is relevant and probative. 65 *ter* 1D02807 shall therefore be admitted.

ii) Duplicates of existing exhibits or of documents sought for admission

29. The Prosecution objects to the admission of some of the Items on the basis that they are duplicative of exhibits already on the record or of other documents sought for admission in the Motion.

30. Having reviewed each of the Items as well as the trial record, the Chamber finds that the following documents shall not be admitted because they are duplicative of exhibits already admitted in this case: 65 *ter* 1D04093 (duplicate of P4377), 1D01198 (duplicate of D238), 1D20729 (duplicate of D1618), 1D01405 (duplicate of D297), 1D50008 (duplicate of D2730), 1D03956 (duplicate of D1705), 1D03880 (public redacted version admitted as P3025),⁴⁶ 1D26651 (contained in D4258), 1D27006 (duplicate of P2918), 1D25422 (duplicate of P5399),⁴⁷ 1D27009 (duplicate of D1916), 1D14002 (duplicate of D31 and P5523), 1D09885 (duplicate of D4108), 1D26510 (duplicate of P2637), 1D00841 (duplicate of P737), 1D25530 (duplicate of D2537), 1D25889 (contained in D470), 00865 (duplicate of D98), 1D00848 (duplicate of D4369), 1D26372 (duplicate of D4207), 1D02954 (duplicate of D4255), 1D04600 (contained in D470), 1D20396 (duplicate of D4196), 1D04105 (duplicate of P6197), 1D26037 (duplicate of D3987), 1D25930 (duplicate of D4209), 1D26616 (duplicate of D1357), 1D01207 (duplicate of D2425), 1D00313 (duplicate of D3835), 1D02755 (duplicate of P2664), 1D09840 (duplicate of D4151), 1D70249 (duplicate of D4485), 1D26681 (duplicate of D3504 (page 2)), 1D05085 (duplicate of D3940),

⁴⁶ The Chamber notes that a redacted version of this document was admitted as P3025 and that since the name of the person on the document is not of relevance, that there is no need to also admit another version of the document, now bearing the name of the individual.

⁴⁷ The Chamber notes that the Prosecution erroneously submits that 65 *ter* 1D25422 is a duplicate of P3599.

1D05497 (duplicate of D1625), 1D05470 (duplicate of P839),⁴⁸ 1D05409 (duplicate of D2076), 1D25820 (duplicate of D3725), and 1D40023 (duplicate of D3111).

31. Furthermore, a number of the Items are duplicative of other Items which bear different 65 *ter* numbers but are also sought for admission in the Motion and, as such, shall not be admitted twice. The Chamber shall therefore not examine further the following documents with the following 65 *ter* numbers: 1D00181 (duplicate of 1D26264) and 1D02966 (duplicate of 1D04616).

32. In relation to 65 *ter* 1D04348, since the Prosecution does not raise any objection other than the fact that the entries dated 2 to 8 May 1992, with the exception of 7 May, have already been admitted as D1831, the Chamber considers, having reviewed the document and being satisfied that the other requirements under Rule 89(C) are met, that the entries for 7 and 10 May 1992 may now be admitted into evidence and added to D1831.

33. The Chamber further notes that 65 *ter* 1D04443 is a duplicate of D1817; however, a handwritten order from Branko Basara on 22 July 1992 is attached at the end of both documents uploaded into e-court under 65 *ter* 1D04443. The Chamber has analysed this additional document and is satisfied that it bears sufficient indicia of authenticity and is relevant to the charges in the Indictment and is therefore appropriate for admission from the bar table. The Chamber therefore instructs the Accused to add the additional portions of the BCS and English versions of 65 *ter* 1D04443 to D1817.

34. 65 *ter* 1D26688 is an UNPROFOR fax dated 29 December 1994 containing a draft of the Agreement on Complete Cessation of Hostilities. The Prosecution's objection is based on the fact that the Agreement on Complete Cessation of Hostilities dated 31 December 1994 is already in evidence as P1648. The Chamber has examined 65 *ter* 1D26688 and considers that the body of the draft agreement notably in relation to demilitarisation is sufficiently different from P1648 to be of relevance and probative value to this case. 65 *ter* 1D26688 shall thus be admitted.

35. With respect to 65 *ter* 1D03981, the Chamber notes that page 15 is contained in P2910, which was admitted as a source document only. The Chamber thus examined 65 *ter* 1D03981 on the merits and is satisfied that it bears sufficient indicia of authenticity and that it is relevant and probative. Accordingly, 65 *ter* 1D03981 shall now be admitted for all purposes under a separate exhibit number.

⁴⁸ The Chamber considers that the difference of recipient between 1D5470 and P839 is irrelevant in this case.

iii) Lack of indicators of reliability, including authenticity

36. The Prosecution also objects to some of the Items on the basis that they lack sufficient indicators of reliability, including authenticity.

37. The Chamber shall first discuss the Items in relation to which it upholds the Prosecution's objection.

38. 65 *ter* 1D01395 is a document which appears to emanate from "Representatives of the SDA and the SDS" dated 15 February 1991,⁴⁹ to which the Prosecution objects on the basis of relevance, lack of indicators of authenticity, and lack of contextualisation. The Chamber notes that this is a typed document not bearing any stamp or signature and that there is no indication as to whether it was ever approved or disseminated. Accordingly, the Chamber shall not admit 65 *ter* 1D01395 on the ground that it lacks sufficient indicia of authenticity.

39. 65 *ter* 1D00043 is a document entitled "Arms Acquisition Contract" bearing the dates of "10/2/1992" and "4/22/1993", to which the Prosecution objects on the basis that it lacks indicators of authenticity, reliability, and probative value. The Chamber notes that the original document is lacking and that there are no indicia of authenticity on the English version uploaded into e-court. Accordingly, 65 *ter* 1D00043 shall not be admitted.

40. 65 *ter* 1D00188 is a typed document purportedly authored by the Accused and bearing a hand-written date of May 1992, to which the Prosecution objects on the basis that it lacks sufficient indicators of reliability and probative value. The Chamber is not satisfied that this document contains sufficient indicators of authenticity for admission. Accordingly, it shall not be admitted into evidence.

41. The Prosecution also objects to 65 *ter* 1D04344, a list of individuals "suspected of taking part in armed rebellion" issued by the Prijedor Operative Tactical Group on 17 July 1992, based on insufficient indicators as to its reliability and probative value, and moreover arguing that it should have been put to a witness for further contextualisation. The Chamber notes that there are handwritten markings and notes and, absent further contextualisation from a witness as to their meaning, as well as to the general authenticity of the document, the Chamber considers that it does not possess sufficient indicators of authenticity for admission. Thus, the Chamber shall not admit 65 *ter* 1D04344.

⁴⁹ The Chamber notes that the Accused erroneously submits that 65 *ter* 1D01395 is dated 15 December 1991.

42. 65 *ter* 1D00634 is a document entitled “Proposal on Arrangement of Bosnia-Herzegovina” allegedly created by the Republika Srpska (“RS”) Delegation at the Geneva Peace Conference on Yugoslavia in November 1992, to which the Prosecution objects on the basis that it contains no signature, nor any indication of its authorship or provenance or how it was used in connection with the Geneva Conference, and finally, that it should have been tendered through a witness who could authenticate and contextualise the document. The Chamber agrees and given that the document is unsigned and contains no indicia of authenticity, it is not satisfied that it can be admitted from the bar table. Therefore, 65 *ter* 1D00634 shall not be admitted.

43. The Prosecution objects to 65 *ter* 1D25914, a Prijedor SJB document dated 6 October 1993, which describes a plan to reconnoitre and observe the territory of Čarakovo based on reports of “Green Beret and Muslim extremis[t]” activity received during the previous month, on the basis that its lack of source references means that the document itself “lacks sufficient indicators of [...] reliability and probative value”. The Accused submits that the document is reliable because it comes from the Prosecution evidence collection. However, the Chamber notes that, even if presumed reliable, the document would only indicate the presence of Green Berets in Prijedor in 1993. The Chamber notes that the final Scheduled Incident alleged to have occurred in Prijedor allegedly took place “at least between May and December 1992”,⁵⁰ and therefore considers that Accused has not demonstrated that the presence of Green Berets in Prijedor in September 1993 would be relevant to the charges in the Indictment. The Chamber will thus not admit 65 *ter* 1D25914 into evidence.

44. The Prosecution objects to 65 *ter* 1D04092, which the Accused describes as a “Report on war crimes – Bratunac, Srebrenica and Skelani area (1992-1993) made by the European parliament member Christine [sic] Oddi”, on the basis that, *inter alia*, the document is in fact a dossier compiled by an individual who is described as coming from the “Bratunac area” and therefore lacks probative value. The Accused submits that the document is based on “authentic eye-witness testimony” and was compiled by an independent source and a member of the European parliament. However, as noted by the Prosecution, the Chamber has previously observed that the dossier was actually compiled by an unnamed source and denied its admission during the cross-examination of Dževad Gušić.⁵¹ The Chamber sees no reason to depart from that conclusion here, and shall not admit 65 *ter* 1D04092 into evidence from the bar table.

⁵⁰ Indictment, Scheduled Incident D.17.

⁵¹ T. 17934 (25 August 2011).

45. The Prosecution objects to the admission of 65 *ter* 1D00291, which the Accused describes as a “Peace Agreement–Serbs and Croats” dated 10 February 1994, from the bar table on the basis that it lacks sufficient indicators of reliability and authenticity, including a signature. The Chamber agrees and therefore shall not admit 65 *ter* 1D00291 into evidence.⁵²

46. 65 *ter* 1D04827 is a 2010 Google Earth map of Bosanski Novi, to which the Prosecution objects on the basis that it contains markings made by an unknown person and lacks probative value. The Chamber is not satisfied that Google Earth images have sufficient indicia of reliability to be admitted from the bar table in this case. In addition, the Chamber considers that a map from 2010 is irrelevant to and not probative of the charges in the Indictment. Accordingly, 65 *ter* 1D04827 shall not be admitted.

47. The Accused submits a number of undated documents, to which the Prosecution objects on the basis that they lack indicia of reliability. Most of these documents provide no information as to their source, including: 65 *ter* 1D04617, a list indicating which members of the Kozarac TO owned weapons; 1D04616, a list identifying “persons of interest for security in the area of Ljubija”; 1D00006, a document entitled “Close to Five Thousand Serbs Hidden from View”;⁵³ 1D40203, a list of people detained in Sanski Most;⁵⁴ 1D04158, a report on the Party for Democratic Action (“SDA”) in Rogatica municipality; 1D03859, an undated document entitled “Some information about the illegal arming and the paramilitary organisation of the Muslim extremes in the territory of Banja Luka”;⁵⁵ 1D27067, a report discussing Muslim military actions in Sokolova;⁵⁶ and 1D27053, a Serbian Democratic Party (“SDS”) report from Ključ municipality. The Chamber is not satisfied that these documents bear sufficient indicia of reliability to be admitted into evidence from the bar table. Accordingly, it shall not admit 65 *ter* 1D04617, 1D04616, 1D00006, 1D40203, 1D04158, 1D03859, 1D27067, or 1D27053 into evidence.

48. 65 *ter* 1D25895 is an undated list of Serbs against whom criminal charges have been filed with the Banja Luka Military Prosecutor’s Office, to which the Prosecution objects on the basis that it lacks sufficient indicia of reliability. This document bears no signature, no date and provides no information as to the nature of the crimes charged against the persons listed. The Chamber is not satisfied that 65 *ter* 1D25895 bears sufficient indicia of reliability and relevance, and shall thus not admit it into evidence.

⁵² The Chamber also recalls that, noting the lack of signature on the document, it previously declined to admit 1D00291 during the cross-examination of Prosecution witness Michael Rose. *See* T. 7413–7416 (7 October 2010).

⁵³ This document also bears no signature or stamp.

⁵⁴ The Chamber notes that no BCS original has been uploaded for this document.

⁵⁵ This document also bears no signature or stamp.

⁵⁶ This document also contains handwritten edits.

49. The Accused also submits two undated documents, the original versions of which contain handwritten comments. The Prosecution objects to both 65 *ter* 1D27049, a statement by the Ključ Municipality Crisis Staff, and 65 *ter* 1D27072, an announcement from the Ključ SJB, on the basis that they lack sufficient indicia of reliability. There is no indication as to whether these documents were drafts and whether they were actually disseminated. The Chamber is therefore not satisfied that 65 *ter* 1D27049 and 1D27072 bear sufficient indicia of reliability and shall not admit them into evidence.

50. 65 *ter* 1D05881 is a summary of a Croatian intercept dated 28 March 1993, to which the Prosecution objects based on lack of authenticity. The Chamber recalls its prior practice in relation to the authenticity of intercepts of treating intercepts as a “special category” of evidence given that they bear no indicia of authenticity or reliability on their face and accordingly, may only be admitted into evidence after the Chamber has heard from the relevant intercept operators or the participants in the intercepted conversation.⁵⁷ Given that the Chamber has not heard from the relevant intercept operator with respect to 65 *ter* 1D05881 or the participants referred to therein, the Chamber considers that the requirements of authenticity or reliability have not been sufficiently met for the purpose of its admission into evidence. Accordingly, the Chamber shall not admit 65 *ter* 1D05881.

51. The Chamber shall now turn to the Items in relation to which it overrules the Prosecution’s objection on reliability.

52. 65 *ter* 1D26445 is a document from the Banja Luka National Security Service Sector dated 9 July 1992, to which the Prosecution objects on the basis that it lacks sufficient indicators of reliability and probative value and that it does not reveal the source of the information contained therein. However, the Chamber notes the header and date on the document and is satisfied that it has sufficient indicators as to reliability and probative value to be admitted from the bar table. Accordingly, considering that the document is also relevant, 65 *ter* 1D26445 shall be admitted.

53. 65 *ter* 1D26627 and 1D26635 are documents from the Banja Luka Security Services Centre (“CSB”) dated May 1992 submitted by the Accused to support the Accused’s position that Bosnian Muslim forces existed in Kozarac during a period covered by the Indictment. The Prosecution objects to the admission of these documents on the basis that they do not bear sufficient indicia of reliability and need further contextualisation by a witness. The Chamber is however satisfied that the two documents do possess sufficient indicia of reliability and considers that they are generally

⁵⁷ See, e.g., Decision on the Prosecution’s First Motion for Judicial Notice of Documentary Evidence Related to the Sarajevo Component, 31 March 2010 (“First Judicial Notice Decision”), para. 9; First Bar Table Decision, para. 13.

relevant to the lead up to the take-over of a municipality covered by the Indictment. The Chamber further notes that in the course of Mirsad Mujadžić's cross-examination, the Accused raised questions related to the issues discussed in those documents.⁵⁸ The Chamber is therefore satisfied that 65 *ter* 1D26627 and 1D26635 have been sufficiently contextualised for the purpose of their admission from the bar table. Those two Items shall therefore be admitted.

iv) Special categories of documents

a. Media reports

54. The Prosecution objects to some of the Items on the basis that they are written media reports.

55. The Chamber recalls its consistent position that written media reports are unlikely to be considered admissible from the bar table as they would not meet the reliability and probative value requirements without a witness to testify to the accuracy of the information contained therein.⁵⁹ The Chamber reiterates that just because such written media reports may be interviews with the Accused or other relevant persons and thus consist of questions and answers, does not alleviate its concern that they may be subject to journalistic analysis or interpretation, or may have been manipulated in some other way.⁶⁰

56. 65 *ter* 1D03339 is a compilation of items from Issue 45 of the publication by Serbian Press Agency Srna on 12 June 1992. The Chamber notes that pages 4 to 12 in the English version consist of various press reports by Srna and, as such, shall not be admitted from the bar table. In relation to the items on pages 1 to 4 (up until the Accused's name) of the English version, given that the Accused is the purported author and that the Prosecution does not object to the admission of these specific items, the Chamber shall admit them into evidence as the Chamber is satisfied that they fulfil all the requirements under Rule 89(C) of the Rules.

57. 65 *ter* 1D04596 is an article from the publication Kozarski Vjesnik dated 4 September 1992 and its author is unknown. 65 *ter* 1D70001 is the transcript of a news report from Tanjug domestic services dated 22 January 1995. Consistent with its prior position on such media reports, the

⁵⁸ See, e.g., Mirsad Mujadžić, T. 20698–20701 (1 November 2011).

⁵⁹ Decision on Prosecution's Motion for the Admission of Documents from the Bar Table (Municipalities), 25 May 2012 ("Municipalities Bar Table Decision"), para. 30; First Bar Table Decision, para. 12; Decision on Prosecution's Bar Table Motion for the Admission of Documents Related to the Sarajevo Component, 11 May 2012 ("Sarajevo Bar Table Decision"), para. 18; Decision on Prosecution's Motion for the Admission of Evidence from the Bar Table (Srebrenica) ("Srebrenica Bar Table Decision"), para. 15.

⁶⁰ Municipalities Bar Table Decision, para. 31; Sarajevo Bar Table Decision, para. 19; Srebrenica Bar Table Decision, para. 16.

Chamber shall not admit 65 *ter* 1D04596 and 1D70001 from the bar table as they do not meet the requirements of reliability and probative value under Rule 89(C) of the Rules.

b. Third party statements

58. The Prosecution objects to some other Items on the basis that they are third party statements.

59. The Chamber recalls the consistent approach it has adopted to the admission of third party statements throughout these proceedings. Third party statements produced for the purpose of current criminal proceedings may only be admitted pursuant to the modalities of Rules 92 *bis*, *ter*, *quater*, and *quinquies*. The strict requirements of these rules, which are *lex specialis*, may not be circumvented by tendering such material pursuant to more general Rule 89. In relation to any other third party statement not prepared for the purposes of criminal proceedings, the Chamber recalls its practice that they may only be admitted if they are commented upon, confirmed, or adopted by the witness on the stand.⁶¹

60. Accordingly, the Chamber shall not admit the documents with the following 65 *ter* numbers from the bar table: 1D25871, 1D25872, 1D25874, 1D26587, 00238, 1D04392, and 1D04123.

61. 65 *ter* 1D26662 is a written report based on a collection of interviews conducted at the Prijedor SJB. The Prosecution objects to the admission of this document on the basis that it is a third party statement. The Chamber considers that 1D26662 is more a report based on a compilation of information and interviews than a third party statement.⁶² However, the Chamber notes that this report does not identify the origin or the source of the information contained therein and bears no date. The Chamber is therefore not satisfied that 65 *ter* 1D26662 bears sufficient indicia of reliability and shall thus not admit into evidence.

v) *Lack of relevance*

62. The Prosecution objects to a large number of Items on the basis that they lack relevance.

63. The Chamber will first analyse the Items in relation to which it upholds the Prosecution's objection on relevance.

64. 65 *ter* 1D00003 is an "Invitation" by the Sanski Most SDS dated 7 May 1991. The Chamber notes that contrary to the Accused's representation, he has not shown that the document

⁶¹ T. 31199–31200 (11 December 2012).

⁶² See T. 20728 (1 November 2011).

was targeted to the benefit of all peoples; on the contrary, the document refers to “Serbian intellectuals”. The Chamber therefore considers that it is irrelevant to refute the allegations that there existed a joint criminal enterprise (“JCE”) to expel non-Serbs from Sanski Most and that it shall therefore not be admitted.

65. 65 *ter* 1D04619 consists of the minutes of the session of the Banja Luka SDA held on 25 September 1991. The Chamber notes that, contrary to the Accused’s submission, this document is entirely irrelevant to the contention that there was “an armed rebellion against Serb authorities in Krajina municipalities”. Accordingly, this document shall not be admitted.

66. 65 *ter* 05863 is a document from the Presidency of the Socialist Federal Republic of Yugoslavia (“SFRY”) dated 22 October 1991 entitled “Starting points for the solution of governmental and political crisis in Yugoslavia”. The Chamber is of the view that this document is irrelevant to the charges in the Indictment and his alleged responsibility therein. Furthermore, the Chamber is also not satisfied with the Accused’s explanation as to how this document fits into his case, in particular in relation to the Accused’s statement that “in the absence of a war there wouldn’t be crimes, and particularly not any JCE”. 65 *ter* 05863 shall therefore not be admitted.

67. 65 *ter* 1D04229 is a letter dated 26 December 1991 from the Executive Committee of the Foča Municipal Assembly to the District Staff of the Goražde TO. The Chamber is of the view that this document does not support in any way the Accused’s claim that “the Muslims from the beginning were preparing for war” and that it is not relevant to the charges in the Indictment for any other purpose. Accordingly, 65 *ter* 1D04229 shall not be admitted.

68. 65 *ter* 1D04151 is a criminal report from the Vlasenica SJB dated 12 May 1992, which describes how Fadil Remić illegally obtained a Kalashnikov. The Chamber is not satisfied that this document is relevant to any of the charges in the Indictment and moreover that the Accused has adequately explained how it fits into his case in as far as it would demonstrate “Muslims attempts to foster armed conflict and avoid a negotiated political resolution of the crisis”. 65 *ter* 1D04151 shall thus not be admitted.

69. 65 *ter* 1D25951 is a note from the Prijedor SJB dated 13 May 1992 describing various events in Prijedor, including the theft of a bicycle, the breach of curfew, and the interrogation of a man believed to be involved in smuggling weapons. The Chamber finds that, contrary to the Accused’s contention, the document is neither relevant nor probative to refute the “allegation that there was a JCE whose objective was to expel non-Serbs from Prijedor and persecute [the] unarmed non-Serb population”. 65 *ter* 1D25951 shall therefore not be admitted.

70. 65 *ter* 1D29305 is a letter from Branko Đerić to the Boksit Company dated 24 May 1992, requesting that fuel be provided “as soon as possible, to be used for the designated purpose of transporting refugees”. 65 *ter* 1D20050 is a letter from the government of the Serbian Republic of BiH (“SerBiH”) to the Boksit Company dated 17 June 1992 also requesting fuel but this time for the purpose of “heating the Bistrice hotel at Jahorina”. The Chamber is of the view that these two documents, which deal with the provision of fuel only, are not relevant to any of the charges in the Indictment and as such shall not be admitted.

71. 65 *ter* 1D00242 is a letter from the Accused to a United States Congresswoman, Helen Delich-Bentley, on 24 July 1992 in response to an article she authored regarding the conflict, to which the Prosecution objects on the basis that it is irrelevant as an attempt by the Accused to “defend against, deflect, or ignore allegations of crimes by the Bosnian Serb forces against [the] non-Serb population” and moreover, that any assessment of its usefulness rests upon some understanding of the interlocutor and the inquiry which are not present here. The Chamber notes that the article by Delich-Bentley referred to by the Accused in his letter is not in evidence and as such, the Chamber does not have sufficient context for this document. Thus, the probative value of 65 *ter* 1D00242 is too low for its admission from the bar table and the Chamber shall deny its admission.

72. 65 *ter* 1D26480 is a document relating to the functioning of the RS Banja Luka Penal and Correctional Facility, or “KPD”, dated 24 September 1992, to which the Prosecution objects on grounds of relevance as it relates to a correctional facility in Banja Luka which is not charged in the Indictment. The Chamber recalls that for Banja Luka municipality, all scheduled incidents save for those related to the Manjača camp were struck out of the Indictment, in particular crimes alleged to have occurred during the take-over.⁶³ The Chamber shall therefore not admit 65 *ter* 1D26480 on the basis that it is not relevant to the charges in the Indictment.

73. 65 *ter* 1D20697 is a notice from the Chief of Staff of the Bosnian Muslim TO in Tuzla sent to the Bratunac Municipal Staff on 10 October 1992, to which the Prosecution objects on grounds of relevance and that it does not corroborate the Accused’s assertion as to how it fits into his case. The Chamber agrees and is not satisfied of its relevance to the Accused’s case and more specifically, does not consider that it shows that “the Muslim side was the one who initiated attacks in Podrinje, while the Serb side was restrained until spring ‘93”, as submitted by the Accused in the Motion. As such, the Chamber shall deny the admission of 65 *ter* 1D20697.

⁶³ See Indictment, para. 48, fn. 1, Scheduled Incidents C.1.1, 1.3, 1.4.

74. 65 *ter* 1D26836 is a letter from the Accused to General Morillon on 27 November 1992 to which the Prosecution objects on the basis that the Accused's concern about the living conditions and economic situation of Bosnian Serbs in the RS is irrelevant to the Indictment. The Chamber agrees and finds the content of the Accused's letter irrelevant to the charges in the Indictment and shall thus deny the admission of 65 *ter* 1D26836.

75. 65 *ter* 1D27028 is a record of an oral criminal report by the Ključ SJB, which the Accused is tendering to refute the allegation that there existed a JCE to expel or persecute non-Serbs from Ključ. The Prosecution objects to its admission on the grounds of relevance, noting that the victim referred to in the report is Serb. The Chamber agrees and is not satisfied that a report into a crime against a Bosnian Serb is relevant to the charges in the Indictment as related to Ključ. As such, the Chamber shall deny the admission of 65 *ter* 1D27028.

76. 65 *ter* 1D26304 is a document of the Municipal Commission for the Exchange of Prisoners of War, Persons in Custody, the Wounded, and the Bodies of Persons Killed in Combat in the Territory of Ilidža ("Ilidža Commission") dated 8 January 1993. The Accused submits that the document is a report on a successful exchange of prisoners with the help of United Nations Protection Force ("UNPROFOR") and is relevant to his co-operation with UNPROFOR and his efforts to provide humane treatment to prisoners of war. However, the Chamber observes that the document states that on 6 January 1993, the Ilidža Commission had organised the transfer of 44 bodies of "killed enemy soldiers" from Vlakovo Cemetery, and that the bodies of eight Bosnian Serb soldiers and eight Bosnian Serb civilians were brought to Vlakovo Cemetery on the same day. The Chamber therefore finds that the document is not relevant to the charges in the Indictment and shall not admit 65 *ter* 1D26304 into evidence.

77. 65 *ter* 1D21066 is a report of the Ministry of the Interior ("MUP") Crime Prevention and Detection Administration in Sarajevo dated 3 June 1993. The Accused submits that the document is relevant to Croat attempts to disrupt the supply of humanitarian aid. The Chamber notes that the document specifically addresses problems in the transport of humanitarian aid through the territory controlled by the Croatian Defence Council, and therefore considers that it is not relevant to the charges in the Indictment. The Chamber therefore shall not admit 65 *ter* 1D21066 into evidence.

78. 65 *ter* 1D00491 is a bulletin of the Security Administration of the Supreme Command of the Army of BiH ("ABiH") dated 12 September 1993. The Accused submits that the document is relevant to Counts 9 and 10, as it shows that "Muslim forces deliberately sought to carry out military operations in residential areas". However, the Chamber observes that, as noted by the Prosecution, the document relates to the activity of a unit from Dobrinja which took place in

Visoko, outside the general vicinity of Sarajevo. The Chamber thus fails to see how 65 *ter* 1D00491 is relevant to the charges in the Indictment and shall not admit it into evidence.

79. 65 *ter* 1D05317 is a request signed by the Chief of Staff of the Main Staff of the Army of Republika Srpska (“VRS”), Manojlo Milovanović asking the Drina Corps and Eastern Bosnia Corps to forward reports on the use of chemical weapons by the ABiH in their respective zones of responsibility. The Accused contends that this document is relevant to “Muslim use of chemical weapons”. However, the Chamber struggles to see how such use—even if established—would be relevant to the charges in the Indictment, and notes that the Accused has not provided such an explanation. Moreover, as noted by the Prosecution, the Chamber observes that the document is a request for reports of such use, and is thus not demonstrative of actual use. The Chamber therefore considers that 65 *ter* 1D05317 is not relevant to the charges in the Indictment and shall not admit it into evidence.

80. 65 *ter* 00233 is a letter dated 4 October 1993 and addressed to the Accused by the authorities of Višegrad, requesting the release of Milan Lukić from prison. The Accused submits that the document is relevant, when considered together with 65 *ter* 00238, to show his “efforts to comply with the law”. However, earlier in this decision, the Chamber already denied the admission of 65 *ter* 00238 on the basis that it is a third party statement.⁶⁴ In these circumstances, the Chamber therefore considers that 65 *ter* 00233 is not relevant to the charges in the Indictment and shall not admit it into evidence.

81. 65 *ter* 1D05371 is a warning issued by the VRS Main Staff on 18 December 1993, warning of possible attacks by the ABiH in 1993 and instructing units to order the “highest level of vigilance and combat readiness”. The Accused submits that the document is relevant to show that “the Serb side refrained from hostilities during the Muslim and Croat holidays, while the Muslim forces attacked specifically on Serb holidays”. The Chamber fails to see how such a matter is relevant to the charges in the Indictment and shall not admit 65 *ter* 1D05371 into evidence.

82. 65 *ter* 1D00988 is an ABiH ultimatum to United Nations (“UN”) forces dated 20 July 1995. The Chamber is of the view that the information is of no relevance to the charges alleged in the Indictment. The Chamber is also not satisfied as to the Accused’s explanation of how it fits into his case. 65 *ter* 1D00988 shall therefore not be admitted.

83. 65 *ter* 1D00286 is a list dated 25 November 1995 related to confiscation by the VRS of vehicles of the United Nations High Commissioner for Refugees. As such the crimes reported in

⁶⁴ See para. 61, *supra*.

this document relate to a period not covered by the Indictment and are thus of no relevance to the instant case. Accordingly, this document shall not be admitted.

84. 65 *ter* 1D32026 is a UN code cable from a liaison officer in Pale dated 2 June 1996. This document discusses a period which is not covered by the Indictment and is thus irrelevant to the charges in the Indictment. The Chamber is also not satisfied as to the Accused's explanation of how this document fits into his case. Accordingly, 65 *ter* 1D32026 shall not be admitted.

85. 65 *ter* 1D00011 is a decision by the Sanski Most Municipal Court dated 14 July 1997 establishing the death of Enver Burnić.⁶⁵ The Chamber is of the view that the information contained in this document is not relevant to this case. The Chamber is also not satisfied as to the Accused's explanation of how it is relevant to his case. Accordingly, this document shall not be admitted.

86. 65 *ter* 1D04602 is an undated call for mobilisation in relation to the Kozarac area of Prijedor municipality. The Chamber is of the view that the information contained in this document is irrelevant and of no probative value to this case, in particular without a date. Accordingly, this document shall not be admitted.

87. 65 *ter* 1D00975 is a document signed by Enver Hadžihasanović and dated 26 May 1995 which deals with events in the territory of Žepa. The Chamber is of the view that the information contained in this document is not relevant to the charges of the Indictment. The Chamber recalls that Žepa is not included in the Indictment and that while evidence has been admitted in relation to Žepa in the context of the aftermath of the crimes alleged to have occurred in Srebrenica in the summer of 1995, 65 *ter* 1D00975 does not fall into that category. Accordingly, this document shall not be admitted.

88. 65 *ter* 1D05490 is a certificate stating that Šemso Sinanović, who was born in 1938 in Glogova, was a member of a military unit. The Chamber considers that, contrary to the Accused's representation, this document does not support the assertion that there was a Bosnian Muslim TO unit in Glogova during a period relevant to the Indictment. The document only states that Šemso Sinanović was born in Glogova in 1938. In addition, in light of the evidence on the record, the date of birth of the person identified in 65 *ter* 1D05490 is different from the date of birth of the person with a similar name in the Srebrenica missing and dead persons list. Because of this discrepancy,

⁶⁵ The Chamber denied the admission of this Item during the cross-examination of Mirzet Karabeg. T. 18789–18791 (14 September 2011).

the Chamber is not satisfied that this document is relevant to the charges in the Indictment and therefore 65 *ter* 1D05490 shall not be admitted.

89. 65 *ter* 1D41085 is an undated temporary permit for free movement within the Foča municipality, which the Accused submits was issued to a Serb individual and moreover, that such permits were “issued to citizens regardless of their ethnicity” to make life easier. Contrary to the Accused’s assertion, the Chamber is not satisfied that this permit shows that free movement permits were given to citizens regardless of their ethnicity as the name could also be a name of Croat ethnicity. The Chamber also notes that there is no date on the document. The information in this document is thus not relevant to and probative of the charges in the Indictment and 65 *ter* 1D41085 shall not be admitted.

90. 65 *ter* 1D04074 is a RS MUP report on crimes allegedly committed by Muslim formations in the Vlasenica municipality in May and June 1992. The Chamber considers that this document is irrelevant to the charges in the Indictment. Accordingly, 65 *ter* 1D04074 shall not be admitted.

91. 65 *ter* 1D05488 is a certificate by the administration of Tuzla municipality stating that Mustafa Ahmatović disappeared on 18 August 1994. The Chamber notes that, contrary to the Accused’s representation, this document does not give any information as to the death of Mustafa Ahmatović. In addition, in light of the evidence on the record, the date of birth of the person identified in 65 *ter* 1D05488 is different from the date of birth of the person with a similar name in the Srebrenica missing and dead persons list. Because of this discrepancy, the Chamber is not satisfied that this document is relevant to the charges in the Indictment and therefore 65 *ter* 1D05488 shall not be admitted.

92. 65 *ter* 1D15311 is a list of casualties during an attack on a Serb village in the Zvornik municipality. The Chamber is of the view that this document is irrelevant to the charges in the Indictment, and therefore it shall not be admitted.

93. 65 *ter* 1D05624 is an undated letter to the European Union about an ultimatum given by Muslim formations from Buljakov Potok to the Bosnian Serb population. The Chamber is of the view that this document is irrelevant to the charges in the Indictment, and therefore it shall not be admitted.

94. 65 *ter* 1D04164 is a report of the Executive Committee of the Rogatica municipality dated 26 June 1992. The description of the document and the explanation of the Accused on how it fits into his case are inaccurate. The Chamber is therefore not satisfied that the Accused has shown that

the document uploaded as 65 *ter* 1D04164 is relevant to the charges in the Indictment. Accordingly, it shall not be admitted.

95. 65 *ter* 1D70354 is an unsigned draft dated 18 September 1994 of an UNPROFOR report. The report was sent on 19 September 1994 to Kofi Annan by cable and admitted as part of P1673. Given that 65 *ter* 1D70354 is an unsigned draft of a document already admitted and in which the information is similar to the exhibit on the record, the Chamber is of the view that this document is not relevant to or probative of the charges in the Indictment. Accordingly, 65 *ter* 1D70354 shall not be admitted.

96. The Chamber will now turn to those Items in relation to which it overrules the Prosecution's objection on the basis of relevance.

97. The Prosecution objects to the admission of 65 *ter* 06604, a "Declaration on the position of Serbian People in the SRBH" adopted on 6 November 1990, on the basis that no relevance has been shown. Having paid close scrutiny to this document which predates the Indictment period, the Chamber is of the view that this document is relevant to and probative of the general background leading up to the inception of the alleged JCE to permanently remove Bosnian Muslims and Bosnian Croats from a number of municipalities in Bosnia and Herzegovina ("BiH") and that it shall thus be admitted.

98. 65 *ter* 1D03526 and 1D03527 are two decisions by the constitutional court of the SFRY dated 16 October 1991 on the compliance of certain provisions of various laws in the Republic of Croatia with the SFRY constitution. The Chamber is of the view that parts of these decisions are relevant to the situation in other republics, including BiH, and are relevant to the understanding of the military system in the SFRY and the Yugoslav People's Army ("JNA") in general. 65 *ter* 1D03526 and 1D03527 shall therefore be admitted.

99. 65 *ter* 1D00638 is a letter from Dragan Kalinić to Jose Cutileiro dated 1 January 1992 regarding the situation in BiH following the referendum for independence. The Chamber finds that, contrary to the Prosecution's submission, it is relevant to and probative of the background and the lead-up to the conflict and, as such, may be admitted into evidence.

100. 65 *ter* 1D20047 is a list dated 25 March 1992 of candidates proposed by the SDS for appointment as presidents and judges of regular courts. The Chamber considers that, contrary to the Prosecution's submission, it is relevant to the allegations under Count 3 of the Indictment that

non-Serbs were removed from positions of authority in governmental institutions and, as such, shall be admitted.

101. 65 *ter* 1D04608 consists of the minutes of the 42nd session of the Prijedor Executive Committee from 12 March 1992, which include a discussion on the establishment of a crisis staff in Prijedor for the purpose of “receiving refugees in Omarska”. Contrary to the Prosecution’s submission, the Chamber considers that it is relevant to the background to the charges in the Indictment related to Prijedor and, as such, shall be admitted.

102. 65 *ter* 1D05618 is a letter by Branko Đerić dated 22 May 1992 requesting that the Pale municipality take certain measures in relation to the transport and accommodation of refugees. Contrary to the Prosecution’s objection,⁶⁶ the Chamber is satisfied that the document is relevant to Pale, a municipality in the Indictment, and in particular to Counts 7 and 8. In addition, the Chamber is of the view that the document is clear on its face and does not need further contextualisation. Accordingly, 65 *ter* 1D05618 shall be admitted.

103. Similarly, 65 *ter* 1D00846 is a document dated 10 July 1992 from the Executive Committee of Pale municipality establishing a commission related to the displacement of refugees temporarily accommodated in Pale, to which the Prosecution objects on the basis that its relevance has not been shown and that it does not support the reason for which the Accused is tendering it. The Chamber has analysed the document and considers that it is generally relevant to the issue of the accommodation of refugees, regardless of ethnicity, in Pale municipality during the relevant period of the Indictment and thus it is sufficiently relevant to the charges in the Indictment, and in particular to Counts 7 and 8. Therefore, 65 *ter* 1D00846 shall be admitted.

104. 65 *ter* 1D40659 is an order from the Command of the 9th Motorised Brigade of the ABiH dated 7 June 1993 which describes military positions of this unit of the ABiH. Contrary to the Prosecution’s submissions, the Chamber is satisfied that this document is relevant to the charges under Counts 9 and 10 of the Indictment and the alleged Sarajevo JCE. In addition, the Chamber considers that the Jezero Hospital is a known location in Sarajevo and that the document does not need further contextualisation. Accordingly, 65 *ter* 1D40659 shall be admitted.

105. 65 *ter* 1D27061 is a handwritten document purporting to identify Bosnian Muslim political and military structures in the Ključ municipality in 1992. The Chamber is satisfied that, contrary to the Prosecution’s objection, the document is relevant to the presence of Bosnian Muslim forces in

⁶⁶ The Chamber notes that the Prosecution also objects to the admission of this document on the basis that it should have been put to Đerić during his testimony.

Ključ, an issue which is relevant to the charges in the Indictment. However, the Chamber is of the view that this document lacks sufficient indicators of authenticity as it is handwritten and that neither the source nor the author is identified. On this basis, 65 *ter* 1D27061 shall not be admitted.

106. The Prosecution objects to 65 *ter* 09210, a report sent from the Command of the Sarajevo Romanija Corps (“SRK”) on 20 June 1992 stating, *inter alia*, that “we have received the water from the town water supply which has relieved our hygienic situation”, on the basis that no relevance has been shown and that it does not support the Accused’s assertion that the SRK did not deliberately cut off the water supply to the city of Sarajevo. However, the Chamber is of the view that this document is relevant to and probative of the issue of the supply of utilities to the citizens of Sarajevo during the period relevant to the Indictment and shall thus admit 65 *ter* 09210 into evidence.

107. The Prosecution objects to 65 *ter* 1D04100 and 1D04101, both decisions from the 8 July 1992 session of the Provisional Government of Bratunac Municipality, on the basis that their relevance has not been shown, and moreover, that they do not support the assertions made by the Accused, and that they should have been shown to a witness for contextualisation. The Prosecution also asserts that 65 *ter* 1D04100 is cumulative of D2061. The Chamber first notes that it has admitted other similar documents, related *inter alia* to the control of alcohol and the prevention of looting in Bratunac municipality; however, the fact that a document is cumulative of other documents admitted into evidence, or that a party failed to tender it through a witness, does not prevent it from being admitted from the bar table. The Chamber is satisfied that 65 *ter* 1D04100 and 1D04101 are relevant to the events during the take-over of Bratunac municipality and do not require further contextualisation, and will therefore admit them.

108. The Prosecution objects to 65 *ter* 1D03481 on relevance grounds, arguing that the document is comprised of a draft speech and the unsigned text of “the agreement signed at London on 17 July 1992 by Mr. Boban, Dr. Karadžić, and Dr. Silajdžić”, and in the absence of contextualisation, it is not possible to know whether the document was actually signed or the speech given. First, the Chamber considers that the document is relevant to the involvement of the Bosnian Serb leadership, and in particular of the Accused, in international negotiations during the period relevant to the Indictment. Moreover, having reviewed the document and considering the telefax stamp, showing that it was sent to the UN headquarters in New York, the Chamber is satisfied that it bears sufficient indicia of authenticity for the purposes of admission. The Chamber considers that the fact that the document consists of a draft speech and the unsigned text of an agreement is an issue that it will assess in attributing the appropriate weight to the document, and

there is therefore no need for further contextualisation. Thus, the Chamber shall admit 65 *ter* 1D03481 into evidence.

109. The Prosecution objects to the following two documents on relevance grounds: (i) 65 *ter* 1D03962, a document containing two decisions adopted by the Zvornik Executive Committee at its 3 September 1992 session, and (ii) 65 *ter* 1D03964, an “Order Prohibiting the Transfer of Goods”, issued by the same body following its 6 October 1992 session. The Prosecution also objects on relevance grounds to 65 *ter* 1D03937, an order sent from the Bosnian Muslim TO in Zvornik to transform all units of the Armed Forces into manoeuvre and territorially-based units, which according to the Accused, demonstrates that “the greatest part of the [m]unicipality of Zvornik was under [...] Muslim control”. However, the Chamber has analysed each of these documents and is satisfied that they are relevant to and probative of the charges in the Indictment, as they relate to the events during and after the take-over of Zvornik municipality. Accordingly, 65 *ter* 1D03962, 1D03964, and 1D03937 shall be admitted into evidence.

110. Similarly, 65 *ter* 1D03592 is an order issued by the Prijedor Executive Committee on 15 September 1992, to which the Prosecution objects on relevance grounds, as well as on the basis that it requires further contextualisation. The Chamber is satisfied that this document is relevant to and probative of the events during and after the take-over of Prijedor municipality as charged in the Indictment. As such, it shall admit 65 *ter* 1D03592 into evidence from the bar table.

111. 65 *ter* 1D03856 is a document issued by the Prijedor SJB reporting that it had filed a total of 44 criminal reports to the “relevant Prosecutor’s offices in the reporting period”, to which the Prosecution objects on the basis of relevance and that the document does not indicate the ethnicities of the perpetrators or victims referred to in the report and thus, it does not refute the allegation that “official authorities in Prijedor committed or supported crimes”, as submitted by the Accused. The Chamber, however, is satisfied that it is generally relevant to criminal investigations in Prijedor during the period relevant to the Indictment and shall thus admit 65 *ter* 1D03856.

112. 65 *ter* 1D04286 is a document issued by the Ključ SJB on 24 November 1992 providing a list of non-Serbs from Ključ who allegedly participated in the armed conflict in that municipality, to which the Prosecution objects on relevance grounds and moreover that, without further context, the document does not refute the existence of the alleged JCE with respect to events in Ključ, as argued by the Accused. However, the Chamber is satisfied that the document is sufficiently relevant to the events during and after the take-over of Ključ as charged in the Indictment, that there is no need for further contextualisation and, shall admit 65 *ter* 1D04286 into evidence.

113. 65ter 1D26630 is a coded document dated 4 October 1993 and signed by the Chief of the Prijedor SJB, which was addressed to the RS MUP in Bijeljina as well as the Banja Luka CSB. The document informs the recipients of the location and investigation of two alleged Green Beret members, who had allegedly participated in an attack on Prijedor on 29 and 30 May 1992, in Donja Ljubija, Prijedor municipality, on 2 October 1993. The Accused submits that the document is relevant to the defence position that Green Berets existed in Donja Ljubija, while the Prosecution contends that the relevance of the document has not been established. However, the Chamber considers that the document is *prima facie* relevant to the presence of alleged Green Beret members in Prijedor municipality in late May 1992 as well as in October 1993, and that the document is therefore sufficiently relevant and probative to be admitted from the bar table. The Chamber shall therefore admit 65 ter 1D26630 into evidence.

114. The Prosecution objects to 65 ter 1D26622, a report signed by the Chief of the Prijedor SJB and dated 25 October 1993, which catalogues a number of Serbs who were murdered in 1992 and the first three quarters of 1993 in Prijedor, on the basis that it has not been shown to be relevant. The Accused, however, submits that the document is relevant to his position that the Prijedor authorities were not able to offer protection to citizens regardless of nationality. The Chamber agrees and shall thus admit 65 ter 1D26622 into evidence.⁶⁷

115. The Prosecution objects to 65 ter 1D25649, a letter from a military Judge to the RS Ministry of Justice dated 29 July 1994, which deals with standard procedures in cases of criminal investigations, on the basis that it has not been shown to be relevant. The Chamber considers that the information contained in this Item is generally relevant to criminal investigations in a municipality and during a period relevant to the Indictment, and shall therefore be admitted.

116. 65 ter 1D02831 is a SRK report dated 13 August 1995, to which the Prosecution objects on the grounds that it pertains to a number of locations outside Sarajevo and is therefore not relevant to the charges in the Indictment, and that the document should have been put to a witness to establish its relevance. The Chamber, however, considers that the information contained in this Item is relevant to events in the SRK's zone of responsibility in particular ABiH positions in a period relevant to the Indictment. The document is also clear on its face and does not require further contextualisation. Accordingly, it shall be admitted.

117. 65 ter 1D29087 is a list of "dead fighters" from the 1st Bratunac Brigade for the period of 1992 to 1995. Contrary to the Prosecution's objection, the Chamber considers that the information

⁶⁷ The Chamber observes, however, that the title of the document uploaded in e-court under 65 ter 1D26622 does not match the content of the actual document, which is accurately described by the Accused in the Motion.

contained in this Item is generally relevant to the armed conflict as alleged in the Indictment and, therefore, shall be admitted.

118. The Prosecution objects to 65 *ter* 1D00285 is an order by the Accused to the RS police and military forces dated 4 November 1995, on the basis that it is not relevant to the charges in the Indictment. The Chamber, however, considers that the information contained in this Item is relevant to the actions of the Accused in particular his relations with humanitarian organisations during a period covered by the Indictment. Accordingly, it shall be admitted.

119. 65 *ter* 1D00177 is a list of members of the Green Berets in Sarajevo at the outbreak of the war, to which the Prosecution objects on the grounds that it is irrelevant to the charges in the Indictment and lacks sufficient indicia of reliability. The Chamber, however, considers that the information contained in this Item is relevant to the role of paramilitaries at the outbreak of the conflict and that since it is from a Bosnian Muslim source, given the content of the document, the Chamber is satisfied as to its reliability. Accordingly, it shall be admitted.

120. 65 *ter* 1D00990 is a UN report dated 20 July 1995 discussing events in Žepa, to which the Prosecution objects on the basis that it is irrelevant to the charges in the Indictment. The Chamber has analysed the document and considers that the information contained in this Item is generally relevant to the Žepa safe area in the aftermath of the events alleged to have occurred in Srebrenica in the summer of 1995. As such, it is sufficiently relevant to the charges in the Indictment and shall be admitted.

121. The Prosecution objects to 65 *ter* 1D04231, a letter dated 2 February 1992 related to the structure of the municipal TO in the Foča municipality, on the basis that it is irrelevant to the charges in the Indictment. The Chamber, however, considers that the information contained in this Item is generally relevant to the lead up to the take-over of a municipality covered by the Indictment, and shall therefore admit 65 *ter* 1D04231 into evidence.

122. 65 *ter* 1D03961 is an order dated 22 July 1992 by the Interim Government of the Zvornik municipality, to which the Prosecution objects on the grounds that it is irrelevant to the charges in the Indictment and should have been put to a witness for further contextualisation. The Chamber considers, contrary to the Prosecution's objection, that the information contained in this document is generally relevant to events in the Zvornik municipality during a period relevant to the Indictment and that the document is sufficiently clear on its face. The Chamber shall therefore admit 65 *ter* 1D03961 into evidence.

vi) *Insufficient contextualisation*

123. The Prosecution objects to some of the other Items on the basis that insufficient contextualisation has been provided. The Chamber recalls that a party's failure to tender a document through a witness does not, in and of itself, prevent it from being tendered from the bar table and that such a document may be admitted where its probative value is not substantially outweighed by the need to ensure a fair trial.⁶⁸

124. The Chamber will first address the Items in relation to which it upholds the Prosecution's objection on insufficient contextualisation.

125. 65 *ter* 1D25819 is an announcement of the municipal board of the Zvornik SDS dated 30 May 1991 and signed by Branko Grujić, to which the Prosecution objects on the basis that it requires significant explanation and should have been put to Grujić. The Chamber considers that the document contains substantial illegible parts which were not translated, rendering the document very difficult to follow without further contextualisation. Accordingly, 65 *ter* 1D25819 shall not be admitted.

126. 65 *ter* 1D21294 and 1D21295 are two letters from Cutileiro to Alija Izetbegović dated 18 and 19 May 1992 regarding talks in Lisbon on constitutional arrangements, to which the Prosecution objects on the basis that they should have been put to Defence witness Cutileiro for further contextualisation. Contrary to the Prosecution's submission, the Chamber is of the view that the documents are clear on their face and do not need further contextualisation. However, and while they are clearly relevant to peace negotiations at the time relevant to the Indictment, the Chamber is not satisfied that either of the documents goes to the issue of Izetbegović's lack of enthusiasm for a negotiated political resolution of the crisis, as argued by the Accused. Accordingly, 65 *ter* 1D21294 and 1D21295 shall not be admitted.

127. The Prosecution objects to 65 *ter* 1D00364, a letter sent from Klara Mandić, "Chief of Staff to Dr. Radovan Karadžić", to the UN Secretary General on 21 July 1992 requesting the deployment of UN personnel to the Goražde area, on grounds of credibility and probative value and that there is insufficient information before the Chamber on the role and position of Klara Mandić and her authorisation to speak on behalf of the Accused. The Chamber agrees. It is not familiar with the author of the letter, Klara Mandić, who was allegedly the Chief of Staff to the Accused, based in Belgrade, Serbia. Given that the Chamber does not have any evidence before it to provide further

⁶⁸ Srebrenica Bar Table Decision, para. 17; Hostages Bar Table Decision, para. 11; Sarajevo Bar Table Decision, para. 12; Municipalities Bar Table Decision, paras. 11–12.

contextualisation about her role and connection to the Accused and, moreover, her authority to speak on his behalf, the Chamber does not find it appropriate to admit this document through the bar table. Accordingly, the Chamber shall deny the admission of 65 *ter* 1D00364.

128. 65 *ter* 1D26807 is the cover page to a document sent by Mićo Stanišić to the Accused, among others, on 11 December 1992 regarding alleged instances of abuse of humanitarian missions by UNPROFOR, to which the Prosecution objects to on the grounds that it should have been put to a witness, such as Stanišić himself, to provide context and relevant details. The Chamber agrees. Absent further contextualisation from a witness, this document—which is merely a cover page of a larger document—is of minimal relevance and probative value to the charges in the Indictment. The Chamber shall therefore deny the admission of 65 *ter* 1D26807.

129. The Prosecution objects to 65 *ter* 21652, a UN report dated 28 March 1993, which refers to a meeting between “Dr. Lukić” and General Morillon in Pale on the same day, on the basis that it should have been put to a witness in order to establish its relevance. The Accused submits that the document is relevant to “Serbian government efforts on humanitarian [sic] plan and initiative [sic] by Dr. Lukić to General Morillon to allow safe passage for Serbian doctors to leave Sarajevo, as described in para. 34 of Vladimir Lukić[’s] statement”. In the absence of further contextualisation from a witness who could verify that the “Dr. Lukić” referred to in the document was indeed Vladimir Lukić, such as Vladimir Lukić himself,⁶⁹ the relevance of 65 *ter* 21652 to the charges in the Indictment is not apparent on the face of the document. Accordingly, the Chamber will not admit 65 *ter* 21652 into evidence.

130. The Prosecution objects to 65 *ter* 1D00635, an “Assembly Declaration re Peace Talks” dated 19 May 1993, on the basis that it should have been put to a witness such as Krajišnik who could have testified to, *inter alia*, its authenticity and reliability.⁷⁰ The Accused did not make any submissions relating to reliability. The Chamber notes that Krajišnik’s name appears at the bottom of the English version of the document but, having reviewed both the BCS and English versions of the document, the Chamber considers that it is unclear whether the English version of the document is a full translation of the BCS version, which contains handwritten portions that are of unclear origin. It is also unclear whether the document was disseminated. The Chamber thus considers that further contextualisation through a witness would have been necessary in order to establish the

⁶⁹ As noted by the Prosecution, the Chamber recalls that it denied the admission of 65 *ter* 21652 as an exhibit associated with Vladimir Lukić’s statement. *See* T. 38740 (23 May 2013). The Chamber further recalls that the Accused declined to put the document to Lukić during his testimony. *See* T. 38748 (23 May 2013).

⁷⁰ The Prosecution also notes that the English version is not a direct translation of the BCS version and that the BCS contains handwritten portions that have not been translated into English.

document's authenticity and reliability and shall not admit 65 *ter* 1D00635 into evidence from the bar table.

131. The Prosecution objects to 65 *ter* 1D07880, a decision dated 19 February 1994 and signed by Vladimir Lukić, on the basis that its relevance has not been established. The Accused submits that the document is a "decision on the appointment of Republican commissioners for the municipality of Odžak", which he contends is relevant "to show big problems in functioning of government" and to the issue of effective control. However, as noted by the Prosecution, the document relates to a municipality which is not directly related to the charges in the Indictment and, in the absence of further contextualisation from a witness who could explain the link asserted by the Accused, the document is not appropriate for admission from the bar table.⁷¹ The Chamber will therefore not admit 65 *ter* 1D07880 into evidence.

132. The Prosecution objects to 65 *ter* 1D70216, a statement by the Accused dated 20 May 1994, on the basis that because it is not signed and bears no indication of dissemination, the document should have been shown to a witness who could have provided further context regarding its authenticity. The Accused contends that the document is reliable because it is stamped. However, although the Chamber observes that the document indeed bears an RS stamp, it agrees with the Prosecution that further contextualisation through a witness would have been necessary in order to establish the document's authenticity. The Chamber shall therefore not admit 65 *ter* 1D70216 into evidence from the bar table.

133. 65 *ter* 1D09976 is a document entitled "Map of command locations of command and brigade of 1st Corps of BIH Army in 1993", to which the Prosecution objects on the basis that it needs geographical and temporal contextualisation in order to have any probative value. The Chamber notes that the English translation to this document was uploaded into e-court on 27 March 2014. It further notes that the map is signed but that there is no legend or indication as to what this map represents. The Chamber considers that without further contextualisation, in particular from a witness, this Item does not have sufficient indicia of relevance and probative value to be admitted from the bar table. Accordingly, 65 *ter* 1D09976 shall not be admitted.

134. 65 *ter* 1D00986 is a draft plan dated 18 July 1995 for the evacuation of the people of Žepa. While the Chamber is satisfied that this document is relevant to this case, it agrees with the Prosecution and considers that this draft plan should have been put to a witness and needs further

⁷¹ The Chamber recalls that it denied the admission of 65 *ter* 1D07880 as an exhibit associated to Vladimir Lukić's statement. *See* T. 38740 (23 May 2013). The Chamber further recalls that the Accused declined to put the document to Lukić during his testimony. *See* T. 38748 (23 May 2013).

contextualisation to be properly understood. Accordingly, 65 *ter* 1D00986 shall not be admitted from the bar table.

135. 65 *ter* 1D40336 is an excerpt from Sefer Halilović's book entitled "Cunning Strategy". The Prosecution objects on the basis that it should have been put to a witness for proper contextualisation. The Chamber notes that the original document in BCS is five pages while the English translation is 30 pages. It further notes that there is no cover or back pages of the book to authenticate the excerpt submitted. The Chamber is not satisfied that the document has sufficient indicia of authenticity and agrees with the Prosecution that this document needs further contextualisation and should have been put to a witness. Accordingly, 65 *ter* 1D40336 shall not be admitted from the bar table.

136. 65 *ter* 1D09581 is a letter by the Accused to the VRS Main Staff dated 8 November 1995 in relation to the housing of refugees. While the Prosecution objects mainly on the ground that this document has not been sufficiently contextualised, the Chamber also considers that the information contained in this document is not relevant and does not support the Accused's assertion as to how it fits into his case. Accordingly, 65 *ter* 1D09581 shall not be admitted from the bar table.

137. 65 *ter* 1D20164 is an undated letter by Nikola Koljević to John Burns in reply to an article written by Burns, in which Koljević challenges the factual basis of Burns' article. The Chamber considers that without further contextualisation, in particular in relation to the substance of Burns' article, which is not in evidence in this case, this Item does not have sufficient indicia of relevance and probative value to be admitted from the bar table. Accordingly, 65 *ter* 1D20164 shall not be admitted.

138. The Chamber will now turn to those Items in relation to which it overrules the Prosecution's objection on insufficient contextualisation.

139. 65 *ter* 1D25941, 1D25942, and 1D25940 are documents authored by "Miloš" dated 27 April 1992, 23 May 1992, and 3 June 1992, respectively, to which the Prosecution objects on the basis that they should have been put to "any Prijedor witnesses", in particular Prosecution witnesses Mirsad Mujadžić and Mevludin Sejmenović. The Chamber notes that documents authored by Miloš were admitted as D1826 and D1832 during Sejmenović's testimony.⁷² The Chamber further considers that the three Items now proposed for admission are relevant and probative, and do not require further contextualisation. Accordingly, 65 *ter* 1D25941, 1D25942,

⁷² In relation to D1826, *see* T. 20544–20548 (28 October 2011). In relation to D1832, *see* T. 20609–20612 (28 October 2011); Decision on Accused's Motion for Admission of Items Previously Marked for Identification, 29 March 2012, p. 6.

and 1D25940 shall be admitted. The Chamber further instructs the Accused to upload a revised English translation of 1D25942 bearing the correct date of 23 May 1992 as appears on the BCS original.

140. 65 *ter* 1D26791 is a letter signed by Ratko Mladić to Satish Nambiar, the then Commander-in-chief of UNPROFOR, dated 17 June 1992, to which the Prosecution objects on the basis that it should have been shown to “military witnesses” for contextualisation. The Chamber considers that, cognisant of the fact that this document only presents the point of view of the VRS, the document is clear on its face and does not require further contextualisation. 65 *ter* 1D26791, which the Chamber also considers to be relevant and probative, can thus be admitted into evidence.

141. The Prosecution objects to 65 *ter* 1D41086, a report sent by the SRK Command on 25 June 1992, on the basis that it is an unsourced intelligence document that should have been geographically and temporarily contextualised through a military witness. However, the Chamber considers that, given its familiarity with the geographical locations referred to in the document, such as Dobrinja and Alipašino Polje, and their relevance to this case, the Accused has provided sufficient contextualisation and explanation for the purpose of its admission from the bar table. It also considers that this document is relevant and probative and, accordingly, shall admit 65 *ter* 1D41086 into evidence.

142. The Prosecution objects to 65 *ter* 1D26763, a letter from General Tomislav Šipčić to General MacKenzie on 14 July 1992 asking him to stop the daily attacks on Bosnian Serb villages and civilians by Bosnian Muslims, on the basis that it should have been shown to military witnesses or to Richard Gray for contextualisation. The Accused argues that this document is relevant to “Muslim violence against Serb civilians and their attempts to thwart the peace efforts and provoke heavy conflicts”. The Chamber, however, is satisfied that it is relevant and probative, and that it is sufficiently contextualised without witness testimony.⁷³ It shall therefore admit 65 *ter* 1D26763 into evidence.

143. 65 *ter* 1D04975 is an appeal from the Presidency of the SerBiH to the citizens of Goražde on 11 July 1992, signed by the Accused, to which the Prosecution objects on the basis that it requires further contextualisation from a witness or additional documents, such as P3354 and 65 *ter* numbers 26102, 26103, and 1D04391.⁷⁴ However, the Chamber considers that the document is

⁷³ The Chamber notes that the title of the document uploaded into e-court under 65 *ter* 1D26763 does not match the content of the actual document as it states that the document is a 7 July 1992 UNPROFOR fax from General Mackenzie to Nambiar, when in fact the document is a 14 July 1992 letter from General Tomislav Šipčić to General MacKenzie.

⁷⁴ See Response, para. 11.

clear on its face and, as noted by the Prosecution, is related to other documents already in evidence. Thus, the Chamber finds that it does not require further contextualisation from a witness, nor the additional documents submitted by the Prosecution, for the purpose of its admission from the bar table. It also considers that this document is relevant and probative and shall therefore admit 65 *ter* 1D04975 into evidence.

144. 65 *ter* 1D04958 is a letter sent from the Accused to Milan Panić on 12 July 1992 informing him about the situation in Goražde and asking Panić for his help in obtaining further international assistance, to which the Prosecution objects on the basis that the document has not been sufficiently contextualised and should have been shown to a witness. The Chamber, however, is satisfied that the document is clear on its face and does not require any further contextualisation to be admitted from the bar table. Similarly, the Prosecution objects to 65 *ter* 1D01332, a RS Presidency announcement from 13 July 1992 regarding its commitment to international negotiations and the upcoming London Conference in particular, on the same basis arguing that the source of information in the document remains unclear. Based on its review of the document, the Chamber is also satisfied that it is clear on its face and that it originates from the RS Presidency. Therefore, considering that the two documents are also relevant and probative, the Chamber shall admit 65 *ter* 1D04958 and 1D01332.

145. The Prosecution objects to 65 *ter* 1D03610, a document containing decisions adopted by the Bratunac TO Staff on 16 July 1992, on the basis that it should have been put to Prosecution witnesses who may have been in a position to contextualise it, such as Musan Talović, Dževad Gušić, or KDZ605. The Chamber finds that 65 *ter* 1D03610 is clear on its face and that the absence of specific contextualisation by the specific witnesses pointed to by the Prosecution is an issue the Chamber will assess in attributing the appropriate weight to the document but does not preclude its admission. The Chamber is therefore satisfied that 65 *ter* 1D03610 is relevant and has probative value and will therefore admit it into evidence.

146. The Chamber has analysed 65 *ter* numbers 1D00623 and 1D00624, objected to by the Prosecution on the same basis, and applies the same reasoning. The Chamber is satisfied that they are clear on their face and do not require further contextualisation from a witness or additional documents for the purposes of admission from the bar table. Therefore 65 *ter* 1D00623 and 1D00624 shall be admitted into evidence.

147. The Prosecution objects, on similar grounds, to the admission of 65 *ter* numbers 1D04953 and 1D71067, which are letters from the Accused relating to his participation in international negotiations, and more specifically those surrounding the London Conference at the end of August

1992. The Prosecution argues that these documents require further contextualisation and should have been put to one of the relevant Defence witnesses who testified in this case, such as Cutileiro, Vadišlav Jovanović, or Krajišnik. In the alternative, the Prosecution suggests that the Chamber admit numerous excerpts of the verbatim record of the London Conference, which have been uploaded under 65 *ter* 17735, including statements by various attendees of the conference, in order to provide further contextualisation for these letters from the Accused. The Prosecution further contends that the Chamber's admission of these excerpts would address its objection to the admission of 65 *ter* 1D04953 and 1D71067. The Chamber has analysed both documents and finds them to be clear on their face without further contextualisation, either from a witness or from the proposed excerpts of the London Conference record as submitted by the Prosecution. In addition, the Chamber notes that it has admitted other evidence related to the negotiations surrounding the London Conference and it will assess the appropriate weight of these documents in light of all the evidence admitted in this case. Accordingly, considering that they are relevant and probative, the Chamber shall admit 65 *ter* 1D04953 and 1D71067.

148. The Prosecution objects to 65 *ter* 1D25679, a verdict of the Supreme Military Court of the RS, on the basis that it should have been contextualised by a witness such as Novak Todorović in order to establish its relevance to the charges in the Indictment. The Accused contends that the document demonstrates that courts-martial operated during wartime, and that because the victim was a Bosnian Croat, the document is relevant to the prosecution and punishment of crimes committed by VRS members against non-Serbs. Having reviewed 65 *ter* 1D25679, the Chamber considers that it is clear on its face and does not require further contextualisation. In the Chamber's view, 65 *ter* 1D25679 is also relevant and probative, and shall therefore be admitted.

149. The Prosecution objects to the admission of five Items which it submits should be further contextualised through a witness and should be provisionally placed under seal if admitted.⁷⁵ As noted in Confidential Annex B, the Chamber is satisfied that they are relevant and probative, that the documents are clear on their face, and thus do not require further contextualisation through a witness. The Chamber shall therefore admit them and provisionally place them under seal.

150. The Prosecution also objects to 65 *ter* 17663, a letter from the Accused to Owen and Stoltenberg dated 25 July 1993 in which the Accused offers guarantees to ensure that food, water, and electricity reached Sarajevo, on the basis that it has not been sufficiently contextualised. The Prosecution contends that 65 *ter* 17663 should only be admitted together with a statement by the

⁷⁵ Confidential Appendix B, para. 2.

President of the UN Security Council dated 22 July 1993,⁷⁶ in which the latter “specifically demand[ed] an end to the disruption of public utilities”, in order to provide the proper context. However, the Chamber considers that the first sentence and first full paragraph of 65 *ter* 17663 make clear that the Accused’s letter was indeed a response to a request from Owen and Stoltenberg. The Chamber therefore sees no need for further contextualisation from a witness and, having found that the document is relevant and probative, shall admit 65 *ter* 17663 into evidence.

151. The Prosecution objects to the admission of three orders by the Accused—65 *ter* 1D26816 (dated 19 April 1994 approving safe passage of an UNPROFOR convoy to the Bosnian Muslim part of Goražde), 1D02746 (dated 21 April 1994 ordering safe passage for an International Committee of the Red Cross convoy to Goražde), and 1D02750 (dated 26 April 1994 permitting the passage of a Ukrainian battalion from Serbia to Goražde)—on the basis that they have not been sufficiently contextualised by a witness. The Prosecution also submits that the context relevant to these documents is illustrated by a number of documents already on the record.⁷⁷ The Accused contends that the documents are relevant to, *inter alia*, his cooperation with UNPROFOR and humanitarian organisations. Having reviewed the documents, the Chamber considers that they are relevant and probative, that they speak for themselves, and are related to a number of documents already in evidence. The Chamber therefore sees no need for further contextualisation from a witness and shall admit 65 *ter* 1D26816, 1D02746, and 1D02750 into evidence.

152. The Prosecution objects to 65 *ter* 1D02530 is a letter by the Accused on the situation around Tuzla airport and in Goražde dated 25 May 1994, on the basis that it should have been shown to witnesses Michael Rose or Yashushi Akashi to provide proper context. The Chamber, however, considers that this document is clear on its face and that the Accused has provided sufficient contextualisation and explanation for the purpose of its admission from the bar table. It also considers that this document is relevant and has probative value and shall accordingly admit 65 *ter* 1D02530 into evidence.

153. 65 *ter* 1D03451 is a signed Protocol on the implementation of the Agreement on Complete Cessation of Hostilities dated 23 January 1995, to which the Prosecution objects on the basis that the document should have been shown to witnesses Momčilo Krajišnik or David Harland to provide proper context. The Prosecution also states that it would withdraw its objection if 65 *ter* 26101, which consists of a fax including the minutes and record of conclusions of a meeting of experts on the implementation of the 23 January 1995 protocol on freedom of choice of place of

⁷⁶ 65 *ter* 01226.

⁷⁷ Response, Appendix A, *see* the analysis in relation to 65 *ter* numbers 1D26816, 1D02746, 1D02750 (referring to P829, P852, P853, P4810, and D3497).

living, were admitted in order to give context to 65 *ter* 1D03451. The Chamber considers that this document is clear on its face and that the Accused has provided sufficient contextualisation and explanation for the purpose of its admission from the bar table. It also considers that this document is relevant and has probative value and shall accordingly admit 65 *ter* 1D03451 into evidence. The Chamber will assess the appropriate weight to attribute to the document in light of the entire trial record.

154. The Prosecution objects to 65 *ter* 1D00992, a UN report dated 26 July 1995 on events in Žepa, and submits that it should have been put to witness Harland during cross-examination. The Chamber, however, finds that 65 *ter* 1D00992 is clear on its face and that the absence of specific contextualisation by Harland as pointed to by the Prosecution is an issue the Chamber will assess in attributing the appropriate weight to the document but does not preclude its admission. The Chamber is therefore satisfied that 65 *ter* 1D00992 is relevant and has probative value and will therefore admit it into evidence.

155. 65 *ter* 1D25682 is a report by the RS Military Prosecution Office dated 10 August 1995 discussing the procedure establishing the status of prisoners of war. The Prosecution submits that the document requires further contextualisation in order to be properly understood, but states that it would not oppose its admission if 65 *ter* 26091, a document produced by the VRS Main Staff Sector for Intelligence and Security on 11 August 1995 and signed by Ljubiša Beara, were also admitted in order to give context to 65 *ter* 1D25682. The Chamber considers that 65 *ter* 1D25682 is clear on its face and, as noted by the Prosecution, is related to at least one other document already in evidence. Thus, the Chamber finds that 65 *ter* 1D25682 is relevant and probative and does not require further contextualisation, either by a witness or the additional document proposed by the Prosecution for admission. Accordingly, 65 *ter* 1D25682 shall be admitted.

156. The Prosecution objects to 65 *ter* 1D26300 is a report of the Sarajevo Military Court dated 2 December 1993, on the basis that it should have been put to any of four witnesses for further contextualisation. The Chamber, however, considers that this document is clear on its face and that the Accused has provided sufficient contextualisation and explanation for the purpose of its admission from the bar table. It also considers that this document is relevant and has probative value and shall admit 65 *ter* 1D26300 into evidence accordingly. The Chamber will attribute the appropriate weight to the document in light of the entire record of evidence.

vii) *Remaining objections*

157. The Prosecution objects to two documents bearing 65 *ter* number 1D00428 and 1D00105, on the basis that they do not support the assertions for which they are cited. Having reviewed the documents uploaded in e-court under these 65 *ter* numbers, the Chamber observes that 1D00428, which the Accused describes as “Attacks on legitimate targets in Sarajevo, [ABiH] artillery in Sarajevo” and contends is relevant to relations with UNPROFOR, Bosnian Muslim propaganda, and discrimination on grounds of nationality, contains no references to any of the topics cited by the Accused. Similarly, 65 *ter* 1D00105, which the Accused describes as showing that “Alija Izetbegović and Delić relieved [sic] criminals with no trial” and which, he submits, includes information from a UN military observer that the ABiH “count[ed] among its members 4000 to 5000 mujahideens”, does not contain any such reference. The Chamber therefore considers that the Accused has not adequately described how such documents fit into his case and will not admit 65 *ter* 1D00428 or 1D00105 into evidence.

158. With regard to 65 *ter* 1D71038, the Prosecution objects to its admission on the basis that the Item is only partially legible. The Chamber considers that despite the illegible part of the document, it was able to assess the Item’s reliability and relevance and that it is satisfied that the information contained is relevant and probative to this case. 65 *ter* 1D71038 shall thus be admitted. The Chamber would nevertheless be assisted by a more legible version of the document and therefore instructs the Defence to upload a more legible version of the Item into e-court.

159. 65 *ter* 1D00032 is a certificate by the Prijedor Administrative Services stating that Šemso Simetić, resident of Prijedor, was a member of the SFRY and RS armed forces between 1991 and 1996. The Chamber notes that on 14 April 2010, the Prosecution suggested that this document be marked for identification as the English translation was incomplete.⁷⁸ The Chamber then denied admission of this document as part of a collection of documents on the basis that the witness testifying at the time, Ahmet Zulić, did not confirm the content of this collection of documents nor did he confirm their authenticity or foundation.⁷⁹ The Chamber has examined 65 *ter* 1D00032 for the purpose of this Motion and considers that it has sufficient indicia of authenticity, relevance, and probative value to be admitted from the bar table. 65 *ter* 1D00032 shall therefore be admitted.

⁷⁸ Ahmet Zulić, T. 1148 (14 April 2010).

⁷⁹ Ahmet Zulić, T. 1150 -1153 (14 April 2010).

C. Addition to the Accused's Exhibit List

160. As mentioned above, the Accused requests to add a number of the Items to his Exhibit List and the Prosecution does not object to such addition. The Chamber notes that 25 of the Items which the Chamber has found to be otherwise admissible through the bar table, namely 65 *ter* 1D49070, 06604, 00940, 20198, 06617, 09210, 18703, 01173, 01175, 01179, 01181, 18081, 04236, 01215, 23947, 23810, 17603, 11198, 10883, 15393, 02006, 02258, 03557, 04062, and 04307 are not listed on the Accused's Exhibit List. While the Chamber reiterates that by this stage of the case the Accused should know that he needs show good cause for the late addition, the Chamber takes no issue with those documents being added to the Accused's Exhibit List.

IV. Disposition

161. Accordingly, the Chamber, pursuant to Rule 89 of the Rules, hereby **GRANTS** the Motion in part, and:

- a) **GRANTS** leave to the Accused to add the Items identified in paragraph 160 above to his Exhibit List;
- b) **ADMITS** the Items identified in the table appended to this decision in Annex A, as well as 65 *ter* 26105 and 01673, according to paragraph 20 above;
- c) **INSTRUCTS** the Accused, by no later than 5 May 2014, to:
 - i) upload 65 *ter* 1D49070 into e-court under MFI D4282, in accordance with footnote 27 above, and **INSTRUCTS** the Registry to mark MFI D4282 as fully admitted;
 - ii) request a translation for the handwritten portion of 65 *ter* 1D00262 and to upload it into e-court under 65 *ter* 1D00262, pursuant to footnote 30 above;
 - iii) upload the BCS original of the second document under 65 *ter* 1D25881 to correspond to the English version uploaded into e-court, pursuant to paragraph 15 above;
 - iv) upload the cover page of the book under 65 *ter* 1D65306, pursuant to paragraph 16 above;
 - v) remove page 3 of both the BCS and English versions of 65 *ter* 1D05419, pursuant to footnote 34 above;

- vi) upload the additional portions of 65 *ter* 1D04348 to D1831 and of 65 *ter* 1D04443 to D1817, pursuant to paragraphs 32 and 33, respectively, above;
 - vii) upload a revised English translation of 65 *ter* 1D25942 bearing the correct date of 23 May 1992 as appears on the BCS original, pursuant to paragraph 139 above; and
 - viii) upload a more legible version of 65 *ter* 1D71038, pursuant to paragraph 158 above;
- d) **INSTRUCTS** the Accused to file a further submission on the permanent public or confidential status of 65 *ter* 1D28086, 1D28080, 1D28081, 1D28083, and 1D71001 no later than 26 May 2014;
- e) **INSTRUCTS** the Registry to assign the appropriate exhibit numbers to the documents admitted in this Decision; and
- f) **DENIES** the remainder of the Motion.

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



Judge O-Gon Kwon
Presiding

Dated this fourteenth day of April 2014
At The Hague
The Netherlands

[Seal of the Tribunal]

ANNEX A

	65 ter number	Chamber's Ruling
1.	1D49070	Admit under D4282
2.	1D01389	Admit
3.	06604	Admit
4.	1D27018	Admit
5.	1D00002	Admit
6.	1D00003	Deny
7.	1D25819	Deny
8.	1D01397	Admit
9.	00940	Admit
10.	1D01429	Admit
11.	1D26264	Admit
12.	1D00181	Deny
13.	20198	Admit
14.	1D04433	Deny
15.	1D04619	Deny
16.	1D03526	Admit
17.	1D03527	Admit
18.	BLANK ROW	BLANK ROW
19.	05863	Deny
20.	1D21283	Admit
21.	1D01395	Deny
22.	06617	Admit
23.	1D04229	Deny

24.	1D03876	Deny
25.	1D00638	Admit
26.	1D20270	Admit
27.	1D00043	Deny
28.	1D20047	Admit
29.	1D04608	Admit
30.	1D26623	Admit
31.	1D04093	Deny
32.	1D25941	Admit
33.	1D05616	Admit
34.	1D26457	Admit
35.	1D02805	Admit
36.	1D21292	Admit
37.	1D01198	Deny
38.	1D20729	Deny
39.	1D04348	Admit in part and add relevant pages to D1831
40.	1D01405	Deny
41.	1D04150	Deny
42.	1D03874	Deny
43.	1D04151	Deny
44.	1D50008	Deny
45.	1D25951	Deny
46.	1D03873	Deny
47.	1D21294	Deny
48.	1D21295	Deny

49.	1D04095	Admit
50.	1D03612	Deny
51.	1D04035	Deny
52.	1D03956	Deny
53.	1D05618	Admit
54.	1D25942	Admit
55.	1D29305	Deny
56.	1D26621	Admit
57.	1D21267	Admit
58.	1D27068	Admit
59.	1D03880	Deny
60.	1D03582	Admit
61.	1D04291	Admit
62.	1D26651	Deny
63.	1D00188	Deny
64.	1D25940	Admit
65.	1D20901	Admit
66.	1D40659	Admit
67.	1D27006	Deny
68.	1D27041	Deny
69.	1D27019	Admit
70.	1D27061	Deny
71.	1D27084	Deny
72.	01087	Admit
73.	1D03339	Admit in part (pages 1 to 4 in the English version, up until the Accused's name)

74.	1D00294	Admit.
75.	1D26134	Admit in part (pages 5 and 6)
76.	1D00197	Deny
77.	1D25422	Deny
78.	1D27009	Deny
79.	1D20050	Deny
80.	1D26791	Admit
81.	1D14002	Deny
82.	1D04443	Admit in part and add relevant pages to D1817
83.	1D09885	Deny
84.	1D26343	Admit
85.	09210	Admit
86.	1D01997	Deny
87.	18703	Admit
88.	1D41086	Admit
89.	1D26510	Deny
90.	1D27086	Deny
91.	1D27087	Deny
92.	1D25423	Admit
93.	1D50126	Admit
94.	1D00841	Deny
95.	1D26763	Admit
96.	1D25871	Deny
97.	1D07039	Admit
98.	1D04100	Admit

99.	1D04101	Admit
100.	1D07039	Duplicate of Item 97 (same 65 <i>ter</i> number)
101.	1D25872	Deny
102.	1D26445	Admit
103.	1D00846	Admit
104.	1D25874	Deny
105.	1D04975	Admit
106.	1D27012	Admit
107.	1D04958	Admit
108.	1D01332	Admit
109.	1D26587	Deny
110.	1D07523	Admit
111.	1D25530	Deny
112.	1D03610	Admit
113.	1D00623	Admit
114.	1D00624	Admit
115.	1D04344	Deny
116.	1D03481	Admit
117.	1D25889	Deny
118.	1D26792	Admit
119.	1D25829	Admit
120.	1D04955	Admit
121.	1D00364	Deny
122.	1D02970	Admit
123.	1D00242	Deny

124.	1D04097	Admit
125.	1D70614	Deny
126.	1D00262	Admit
127.	1D26347	Deny
128.	00865	Deny
129.	1D00848	Deny
130.	1D25881	Admit
131.	1D26372	Deny
132.	1D25929	Admit
133.	1D25862	Admit
134.	1D25901	Deny
135.	1D02954	Deny
136.	1D04953	Admit
137.	1D65305	Admit
138.	1D00627	Admit
139.	1D25825	Deny
140.	1D65306	Admit
141.	1D71067	Admit
142.	1D70547	Deny
143.	1D21266	Deny
144.	1D26435	Admit
145.	1D04600	Deny
146.	1D04451	Admit
147.	1D03962	Admit
148.	1D00630	Admit

149.	1D04596	Deny
150.	1D20396	Deny
151.	1D04105	Deny
152.	1D25870	Admit
153.	1D20467	Admit
154.	1D04030	Deny
155.	1D00632	Admit
156.	1D00230	Deny
157.	1D03592	Admit
158.	1D07996	Admit
159.	1D27025	Admit
160.	1D26480	Deny
161.	1D26037	Deny
162.	1D03964	Admit
163.	1D27023	Admit
164.	1D20697	Deny
165.	1D29147	Deny
166.	1D27015	Deny
167.	1D25930	Deny
168.	1D00849	Admit
169.	1D04592	Admit
170.	1D09575	Admit
171.	1D07525	Admit
172.	1D00634	Deny
173.	00238	Deny

174.	1D04392	Deny
175.	1D70294	Deny
176.	1D03937	Admit
177.	1D65345	Admit
178.	1D26339	Admit
179.	1D04453	Admit
180.	1D27039	Deny
181.	1D03824	Admit
182.	1D26835	Admit
183.	1D04286	Admit
184.	1D27031	Deny
185.	1D03856	Admit
186.	1D26836	Deny
187.	01173	Admit
188.	1D27027	Admit
189.	1D27028	Deny
190.	1D27029	Admit
191.	1D27030	Deny
192.	01175	Admit
193.	01179	Admit
194.	1D26340	Deny
195.	1D01849	Admit
196.	1D25680	Admit
197.	01181	Admit
198.	1D27022	Deny

199.	1D26807	Deny
200.	1D27034	Deny
201.	1D27035	Admit
202.	1D27021	Admit
203.	1D27037	Deny
204.	1D27036	Admit
205.	1D26616	Deny
206.	1D26829	Admit
207.	21489	Deny
208.	18081	Admit
209.	1D26333	Admit
210.	1D01207	Deny
211.	1D26336	Admit
212.	1D27040	Deny
213.	1D26304	Deny
214.	1D04115	Deny
215.	1D07851	Admit
216.	BLANK ROW	BLANK ROW
217.	04236	Admit
218.	1D27074	Admit
219.	1D04025	Admit
220.	1D40480	Admit
221.	1D02082	Admit
222.	1D04193	Admit
223.	1D26166	Deny

224.	1D25823	Deny
225.	21652	Deny
226.	1D00313	Deny
227.	1D05551	Admit
228.	01215	Admit
229.	1D05360	Admit
230.	1D05309	Admit
231.	1D03835	Admit
232.	1D00635	Deny
233.	1D21255	Deny
234.	1D25166	Admit
235.	1D25679	Admit
236.	1D21252	Deny
237.	1D21226	Deny
238.	1D21066	Deny
239.	1D21256	Deny
240.	1D21246	Deny
241.	1D21274	Deny
242.	1D55010	Deny
243.	23947	Admit
244.	1D28425	Admit
245.	1D28086	Admit (provisionally under seal)
246.	1D20342	Admit
247.	17663	Admit
248.	1D02755	Deny

249.	1D26859	Deny
250.	1D26862	Deny
251.	1D26863	Deny
252.	1D26864	Deny
253.	1D28080	Admit (provisionally under seal)
254.	1D28081	Admit (provisionally under seal)
255.	1D28083	Admit (provisionally under seal)
256.	1D26865	Admit
257.	1D26866	Admit
258.	1D26867	Admit
259.	1D26868	Admit
260.	1D70605	Deny
261.	1D26869	Deny
262.	1D26870	Deny
263.	1D26871	Deny
264.	1D26872	Deny
265.	23810	Admit
266.	1D26873	Deny
267.	1D26874	Admit
268.	1D26875	Admit
269.	1D26876	Admit
270.	1D26877	Admit
271.	1D26878	Admit
272.	1D26879	Admit
273.	1D26880	Admit

274.	1D00491	Deny
275.	1D26881	Admit
276.	1D26882	Admit
277.	1D26883	Admit
278.	1D71030	Deny
279.	1D26884	Admit
280.	1D26885	Admit
281.	1D26886	Admit
282.	1D05317	Deny
283.	1D26335	Deny
284.	1D04288	Admit
285.	1D26630	Admit
286.	00233	Deny
287.	1D25914	Deny
288.	1D00497	Deny
289.	1D25917	Deny
290.	1D00428	Deny
291.	1D05369	Admit
292.	17603	Admit
293.	1D26622	Admit
294.	1D21280	Admit
295.	1D05371	Deny
296.	1D25830	Deny
297.	1D04092	Deny
298.	1D26785	Admit

299.	1D07876	Admit
300.	1D07876	Duplicate of Item 299 (same 65 <i>ter</i> number)
301.	11198	Admit
302.	1D00101	Deny
303.	1D05326	Deny
304.	1D43036	Deny
305.	1D00291	Deny
306.	1D07880	Deny
307.	1D00105	Deny
308.	1D25190	Admit
309.	1D25191	Admit
310.	1D02743	Admit
311.	1D02744	Deny
312.	10883	Admit
313.	10883	Duplicate of Item 312 (same 65 <i>ter</i> number)
314.	1D09840	Deny
315.	1D25918	Admit
316.	1D03857	Admit
317.	1D26816	Admit
318.	1D25919	Admit
319.	1D02746	Admit
320.	1D02747	Deny
321.	1D02750	Admit
322.	1D07322	Admit
323.	1D09574	Admit

324.	1D70216	Deny
325.	1D02530	Admit
326.	1D70249	Deny
327.	1D03858	Deny
328.	1D70269	Admit
329.	1D05419	Admit
330.	1D25649	Admit
331.	1D26817	Admit
332.	1D09565	Admit
333.	1D09566	Admit
334.	1D70363	Admit
335.	1D70354	Deny
336.	1D26818	Admit
337.	1D25753	Deny
338.	1D25925	Admit
339.	1D21276	Deny
340.	1D26681	Deny
341.	1D25681	Admit
342.	1D26688	Admit
343.	15393	Admit
344.	1D20178	Admit
345.	1D40502	Admit
346.	1D70001	Deny
347.	1D03451	Admit
348.	1D21279	Deny

349.	1D05392	Admit
350.	1D05394	Admit
351.	1D71038	Admit
352.	1D05395	Admit
353.	1D05085	Deny
354.	1D05470	Deny
355.	1D05398	Admit
356.	1D05409	Deny
357.	1D30092	Deny
358.	1D06178	Admit
359.	1D30084	Deny
360.	1D30057	Deny
361.	1D06026	Admit
362.	1D30056	Admit
363.	02006	Admit
364.	02258	Admit
365.	03557	Admit
366.	04062	Admit
367.	04307	Admit
368.	1D00896	Deny
369.	1D00986	Deny
370.	1D30078	Deny
371.	1D00988	Deny
372.	1D30063	Admit
373.	1D01015	Admit

374.	1D30064	Admit
375.	1D00992	Admit
376.	1D03902	Admit
377.	1D25682	Admit
378.	1D02831	Admit
379.	1D05439	Admit
380.	1D29087	Admit
381.	1D29197	Deny
382.	1D40423	Admit
383.	1D50031	Deny
384.	1D00285	Admit
385.	1D70510	Admit
386.	1D09581	Deny
387.	1D00286	Deny
388.	1D32026	Deny
389.	1D55009	Deny
390.	1D71058	Deny
391.	1D00011	Deny
392.	1D02807	Admit
393.	1D04123	Deny
394.	1D00032	Admit
395.	1D00177	Admit
396.	1D04827	Deny
397.	1D02966	Deny
398.	1D02983	Deny

399.	1D04602	Deny
400.	1D04617	Deny
401.	1D04616	Deny
402.	1D26627	Admit
403.	1D26635	Admit
404.	1D26662	Deny
405.	1D00006	Deny
406.	1D25869	Deny
407.	1D40203	Deny
408.	1D15069	Admit
409.	1D26320	Deny
410.	1D00975	Deny
411.	1D00990	Admit
412.	1D04158	Deny
413.	1D05490	Deny
414.	1D04231	Admit
415.	1D41085	Deny
416.	1D25895	Deny
417.	1D27049	Deny
418.	1D27053	Deny
419.	1D27067	Deny
420.	1D27072	Deny
421.	1D04074	Deny
422.	1D03961	Admit
423.	1D03966	Admit

424.	1D03971	Admit
425.	1D03981	Admit
426.	1D04022	Admit
427.	1D04044	Deny
428.	1D05351	Admit
429.	1D05488	Deny
430.	1D05497	Deny
431.	1D15311	Deny
432.	1D20726	Deny
433.	1D25820	Deny
434.	1D09976	Deny
435.	1D03859	Deny
436.	1D40336	Deny
437.	1D05624	Deny
438.	1D20164	Deny
439.	1D26016	Admit
440.	1D26300	Admit
441.	1D70541	Deny
442.	1D40023	Deny
443.	1D71001	Admit (provisionally under seal)
444.	1D05881	Deny
445.	1D09575	Duplicate of Item 170 (same 65 <i>ter</i> number)
446.	1D04164	Deny