

**UNITED  
NATIONS**



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-04-75-T  
Date: 18 July 2013  
Original: English

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**IN THE TRIAL CHAMBER**

**Before:** Judge Guy Delvoie, Presiding  
Judge Burton Hall  
Judge Antoine Kesia-Mbe Mindua

**Registrar:** Mr. John Hocking

**Decision:** 18 July 2013

**PROSECUTOR**

v.

**GORAN HADŽIĆ**

**PUBLIC**

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**DECISION ON PROSECUTION MOTIONS FOR ADMISSION OF EVIDENCE  
OF GH-079, GH-083, AND GH-142 PURSUANT TO RULE 92 *quater***

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**The Office of the Prosecutor:**

Mr. Douglas Stringer

**Counsel for Goran Hadžić:**

Mr. Zoran Živanović

Mr. Christopher Gosnell

1. **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 “Supplemental Documentation Regarding the Unavailability of Witnesses GH-083 and GH-079 Pursuant to Rule 92 *quater*” filed by the Prosecution on 11 June 2013 (“First Supplement Motion”) and the “Supplemental Documentation Regarding the Unavailability of Witness GH-142 Pursuant to Rule 92 *quater*” filed by the Prosecution on 13 June 2013 (“Second Supplement Motion”). On 25 June 2013, the Defence confidentially filed its “Consolidated Response to Prosecution’s Supplemental Documentation in Respect of Unavailability of Proposed 92 *quater* Witnesses GH-079, GH-083 and GH-142” (“Supplement Response”).

### A. Background

2. On 21 August 2012, the Prosecution filed the “Prosecution Omnibus Motion for Admission of Evidence Pursuant to Rule 92 *quater*” (“First Motion”), with confidential and *ex parte* annexes.<sup>1</sup> In the First Motion, the Prosecution requested the admission of the evidence of, *inter alia*, GH-079 and GH-142 pursuant to Rule 92 *quater* of the Rules of Procedure and Evidence (“Rules”), arguing that each witness was unavailable in accordance with Rule 92 *quater* and that the evidence was probative, relevant, and reliable and met the requirements for admission under that Rule.<sup>2</sup> On 19 February 2013, the Prosecution filed the confidential “Prosecution Motion for the Admission of Evidence Pursuant to Rule 92 *quater* (GH-083)” (“Second Motion”)<sup>3</sup> in which it sought the admission, pursuant to Rule 92 *quater*, of the written evidence of GH-083.<sup>4</sup>

3. In its “Decision on Prosecution Omnibus Motion for Admission of Evidence Pursuant to Rule 92 *quater* and Prosecution Motion for the Admission of the Evidence of GH-083 Pursuant to Rule 92 *quater*” issued on 9 May 2013 (“Decision”), the Trial Chamber, *inter alia*, denied without prejudice the admission of the tendered written evidence of GH-079, GH-083, and GH-142 because, based on the documentation provided by the Prosecution, it was not satisfied that the

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<sup>1</sup> On 4 September 2012, the Defence filed the confidential “Response to Prosecution Omnibus Motion for Admission of Evidence Pursuant to Rule 92 *quater*” (“First Response”). On 12 September 2012, the Prosecution filed the confidential “Prosecution Request for Leave to Reply and Reply to Response to Prosecution Omnibus Motion for Admission of Evidence Pursuant to Rule 92 *quater*” (“First Reply”).

<sup>2</sup> First Motion, paras 1, 7-12, 18.

<sup>3</sup> On 5 March 2013, the Defence filed the confidential “Response to Prosecution Motion for the Admission of Evidence Pursuant to Rule 92 *quater* (GH-083)” (“Second Motion Response”). On 12 March 2013, the Prosecution filed the confidential “Prosecution Request for Leave to Reply and Reply to Defence ‘Response to Prosecution Motion for the Admission of Evidence Pursuant to Rule 92 *quater* (GH-083)’” (“Second Motion Reply”). On 14 March 2013, the Defence filed the confidential “Surreply in Relation to Prosecution Motion for the Admission of Evidence Pursuant to Rule 92 *quater* (GH-083)”. On 22 March 2013, the Defence filed the confidential “Supplemental Surreply in Relation to Prosecution Motion for the Admission of Evidence Pursuant to Rule 92 *quater* (GH-083)”.

<sup>4</sup> Second Motion, paras 1, 15.

witnesses were unavailable within the meaning of Rule 92 *quater*.<sup>5</sup> In the Decision, the Prosecution was invited to submit by 11 June 2013 additional documentation demonstrating that GH-079, GH-083, and GH-142 are unavailable.<sup>6</sup> On 12 June 2013, the Prosecution was granted an extension until 25 June 2013 to submit additional documents in relation to GH-142.<sup>7</sup>

4. In the First Supplement Motion, the Prosecution requests the admission of the evidence of GH-079 and GH-083 pursuant to Rule 92 *quater* and submits updated medical documents that it asserts demonstrate they are unavailable.<sup>8</sup> In the Second Supplement Motion, the Prosecution requests the admission of the evidence of GH-142 pursuant to Rule 92 *quater* and submits a death certificate for the witness.<sup>9</sup> In addition, the Prosecution incorporates its submissions set forth in the First Motion and Second Motion requesting admission of the written evidence of these three witnesses.<sup>10</sup>

5. In the Supplement Response, the Defence (a) withdraws its objection to the admission of the tendered evidence of GH-142 set forth in the First Response, (b) maintains its objections to the admission of GH-079's statement set forth in the First Response, and (c) submits further objections to the admission of GH-083's evidence.<sup>11</sup>

6. The submissions of the parties will be outlined in more detail below in relation to each proposed witness.

## **B. Applicable Law**

7. Rule 92 *quater*, entitled "Unavailable Persons", reads as follows:

(A) The evidence of a person in the form of a written statement or transcript who has subsequently died, or who can no longer with reasonable diligence be traced, or who is by reason of bodily or mental condition unable to testify orally may be admitted, whether or not the written statement is in the form prescribed by Rule 92 *bis*, if the Trial Chamber:

(i) is satisfied of the person's unavailability as set out above; and

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<sup>5</sup> Decision, paras 71, 83, 104.

<sup>6</sup> Decision, para. 105 (l).

<sup>7</sup> Oral Decision, 12 June 2013, T. 5575-5576. *See also* Prosecution Motion for Extension of Time to Submit Additional Documentation Demonstrating that GH-079 and GH-142 are Unavailable Pursuant to Rule 92 *quater*, 10 June 2013; Response to Prosecution Motion Extension of Time to Submit Additional Documentation Demonstrating that Witnesses GH-079 and GH-142 are Unavailable Pursuant to Rule 92 *quater*, 11 June 2013.

<sup>8</sup> First Supplement Motion, paras 2-3; confidential Annex A, confidential Annex B.

<sup>9</sup> Second Supplement Motion, para. 4, confidential Annex A.

<sup>10</sup> First Supplement Motion, para. 4; Second Supplement Motion, para. 4.

<sup>11</sup> Supplement Response, para. 1.

(ii) finds from the circumstances in which the statement was made and recorded that it is reliable.

(B) If the evidence goes to proof of acts and conduct of an accused as charged in the indictment, this may be a factor against the admission of such evidence, or that part of it.

It follows from a plain reading of these provisions that evidence pertaining to the acts and conduct of an accused can be admitted under Rule 92 *quater* and that a witness's evidence need not be admitted in its entirety, it being for the Chamber to decide which parts, if any, should be excluded. Evidence going to the acts and conduct of the accused is evidence that concerns the deeds and behaviour of that accused, rather than of anyone else for whose actions he is alleged to be responsible.<sup>12</sup>

8. In assessing the reliability of the proposed evidence, a Chamber can look at the circumstances in which it was obtained and recorded, such as whether a written statement was given under oath; whether it was signed by the witness with an acknowledgement of the truth of its contents; whether it was given with the assistance of a Registry-approved interpreter; and whether it has been subject to cross-examination. In addition, other factors, such as whether the evidence relates to events about which there is other evidence, or whether there is an absence of manifest inconsistencies in the evidence, may be considered.<sup>13</sup> If one or more of these indicia of reliability is absent, the evidence can still be admitted, and the Chamber will take this into consideration in determining the appropriate weight to be given to it in its overall consideration of all the evidence in the case.<sup>14</sup>

9. In addition, the Chamber must ensure that the general requirements for the admissibility of evidence set out in Rule 89 are met, namely that the proffered evidence is relevant and has probative value and that the probative value is not substantially outweighed by the need to ensure a fair trial.<sup>15</sup>

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<sup>12</sup> *Prosecutor v. Karadžić*, Case No. IT-95-5/18-T, Decision on Prosecution Motion for Admission of Testimony of Witness KDZ198 and Associated Exhibits Pursuant to Rule 92 *quater*, 20 August 2009 (“*Karadžić Decision*”), para. 4; *Prosecutor v. S. Milošević*, Case No. IT-02-54-T, Decision on Prosecution’s Request to Have Written Statements Admitted Under Rule 92 *bis*, 21 March 2002, para. 22; *Prosecutor v. Galić*, Case No. IT-98-29-AR73.2, Decision on Interlocutory Appeal Concerning Rule 92 *bis* (C), 7 June 2002, para. 9.

<sup>13</sup> *Karadžić Decision*, para. 5. See also *Prosecutor v. Popović et al.*, Case No. IT-05-88-T, Redacted Version of “Decision on Motion on Behalf of Drago Nikolić Seeking Admission of Evidence Pursuant to Rule 92 *quater*”, filed confidentially on 18 December 2008, 19 February 2009, para. 32.

<sup>14</sup> *Karadžić Decision*, para. 5; *Prosecutor v. Popović et al.*, Case No. IT-05-88-T, Decision on Gvero’s Motion for the Admission of Evidence Pursuant to Rule 92 *quater*, 3 February 2009, para. 24; *Prosecutor v. Popović et al.*, Case No. IT-05-88-AR73.4, Decision on the Prosecution Motion for Admission of Evidence Pursuant to Rule 92 *quater*, 21 April 2008, paras 28-32.

<sup>15</sup> *Karadžić Decision*, para. 6.

10. When the testimony of an unavailable person is admitted under Rule 92 *quater*, exhibits which accompany that evidence can also be admitted if they form an “inseparable and indispensable” part of the evidence. In order to satisfy this requirement, the witness’s testimony must actually discuss the document, and the document must be one without which the witness’s testimony would become incomprehensible or of lesser probative value.<sup>16</sup>

### C. Discussion

11. *GH-079*: The Prosecution submits medical certificates to demonstrate that GH-079 is unavailable.<sup>17</sup> According to the Prosecution, GH-079’s evidence, in the form of a witness statement, is relevant to events in Dalj and Erdut as charged in the Indictment and is corroborated by the evidence of 11 other witnesses.<sup>18</sup> The Prosecution seeks the admission of three photographs as associated exhibits.<sup>19</sup> The Defence objects to the admission of GH-079’s written statement arguing that it is unreliable.<sup>20</sup> The Prosecution replies that the written statement contains sufficient indicia of reliability and that the objections made by the Defence go to the weight to be given to the evidence and not its admissibility.<sup>21</sup>

12. The medical certificate submitted with the First Supplement Motion—provided by a family practitioner—is undated, but appears to have been sent by facsimile on 11 June 2013. The certificate notes that GH-079 “has met the criteria for disability as a consequence of repeated cerebrovascular insults (strokes)” which he suffered in April 1999 and June 2004. GH-079 has “spastic left-side paralysis, affecting arm and leg, together with postural imbalance and frequent attacks of dizziness” and has developed signs of congestive heart failure. GH-079’s movement is largely restricted and at times requires the assistance of another person. The doctor who provided the medical certificate opined that “[t]ravelling to longer distances would probably cause further decline in his already fragile medical condition” and that travelling by air is “contraindicated”.<sup>22</sup> The Chamber is satisfied that GH-079 is incapable of attending a court hearing and testifying and is therefore objectively unavailable within the meaning of Rule 92 *quater*.

<sup>16</sup> *Karadžić* Decision, para. 7; *Prosecutor v. Stanišić and Župljanin*, Case No. IT-08-91-T, Decision on Prosecution’s Motions for Admission of Evidence Pursuant to Rule 92 *ter* (ST012 and ST019) (confidential), 29 September 2009, para. 18; *Prosecutor v. Lukić and Lukić*, Case No. IT-98-32/1-T, Decision on Confidential Prosecution Motion for the Admission of Prior Testimony with Associated Exhibits and Written Statements of Witnesses Pursuant to Rule 92 *ter*, 9 July 2008, para. 15; *Prosecutor v. Ljubičić*, Case No. IT-00-41-PT, Decision on Prosecution’s Motion for Admission of Transcripts Pursuant to Rule 92 *bis* (D) of the Rules, 23 Jan 2004, p. 3.

<sup>17</sup> First Motion, confidential Annex B, pp. 120-123; First Supplement Motion, confidential Annex B.

<sup>18</sup> First Supplement Motion, para. 4; Motion, confidential Annex A, pp. 34-36.

<sup>19</sup> First Supplement Motion, para. 4; Motion, confidential Annex A, pp. 36-37.

<sup>20</sup> Supplement Response, para. 1; First Response, paras 13, 43.

<sup>21</sup> First Reply, p. 4.

<sup>22</sup> First Supplement Motion, confidential Annex B.

13. The Chamber considers that GH-079's evidence is relevant to charges in the Indictment. The Chamber considers that (a) the statement was made with the assistance of a Registry-approved interpreter who orally translated the statement into a language the witness understood; (b) the statement was signed by the witness with an acknowledgement of the truth of its contents; (c) the evidence relates to events about which other witnesses provide evidence; (d) there are no manifest inconsistencies in the statement and the witness indicated where he was uncertain about particular information; and (e) the evidence does not go to proof of the acts or conduct of Hadžić as charged in the Indictment. The Defence does not support its contention that the statement is unreliable. The Chamber determines that the tendered associated exhibits, as referenced in the written statement, form an inseparable and indispensable part of the testimony. However, the Chamber notes that Rule 65 *ter* numbers 05863 (ERN 0217-1619) and 05863 (ERN 0217-1621) have already been admitted into evidence and will not be admitted in duplicate.<sup>23</sup> The Chamber is satisfied that the witness is unavailable and finds that the tendered evidence is reliable, is relevant, has probative value, and is appropriate for admission pursuant to Rules 89(C) and 92 *quater*.

14. GH-083: The Prosecution submits medical certificates to demonstrate that GH-083 is unavailable<sup>24</sup> and asserts that his ill health prevents him from being able to give evidence *via* video-conference link.<sup>25</sup> According to the Prosecution, GH-083's evidence, in the form of a written statement, with a supplement and addendum, and a transcript of his testimony in *Prosecutor v. S. Milošević*,<sup>26</sup> is relevant to events in Dalj charged in the Indictment and is corroborated by the evidence of four other witnesses.<sup>27</sup> The Prosecution seeks the leave of the Chamber to compile GH-083's evidence into a single amalgamated document.<sup>28</sup> The Prosecution seeks the admission of two associated exhibits.<sup>29</sup>

15. The Defence objects to the admission of GH-083's written evidence, arguing that GH-083 is not unavailable within the meaning of Rule 92 *quater* because (a) post-traumatic stress disorder ("PTSD") is not equivalent to unavailability;<sup>30</sup> and (b) the medical documents raise doubts about the severity or even existence of GH-083's asserted PTSD.<sup>31</sup> The Defence argues that (a) paragraphs 23 and 25 of the tendered statement purport to show, through inference, that Hadžić was

<sup>23</sup> Rule 65 *ter* number 05863 (ERN 0217-1619) is exhibit P2112, and Rule 65 *ter* number 05863 (ERN 0217-1621) is exhibit P2114.

<sup>24</sup> Second Motion, confidential Annex B; First Supplement Motion, para. 2, confidential Annex A.

<sup>25</sup> Second Motion, para. 5.

<sup>26</sup> Case No. IT-02-54-T. The Chamber notes that, in confidential Annex A of the Second Motion, the Prosecution incorrectly indicates that the transcript is from Case No. IT-95-54-T. There is no case before this Tribunal with this number.

<sup>27</sup> First Supplement Motion, para. 4; Second Motion, paras 7-10, confidential Annex A.

<sup>28</sup> Second Motion, para. 7.

<sup>29</sup> First Supplement Motion, para. 4; Second Motion paras 7, 12, confidential Annex A.

<sup>30</sup> Supplement Response, para. 2.

<sup>31</sup> Supplement Response, paras 3-5.

aware of the existence of the alleged JCE due to the acts of alleged proximate subordinates and (b) there was no meaningful cross-examination in *S. Milošević* on matters that may be relevant to the potential criminal liability of Hadžić.<sup>32</sup> It submits that the appropriate remedy, if the Chamber is inclined to admit the statement, is to excise paragraphs 23 and 25.<sup>33</sup> Finally, the Defence submits that the Chamber should exercise its discretion under Rule 92 *quater* (A) and not admit the evidence. In this regard, the Defence argues that the Chamber has already heard significant evidence—which was subject to cross-examination in this case—on issues and events that overlap with the evidence of GH-083 and that nothing in GH-083’s tendered statement is so unique that it would be unfair to the Prosecution to proceed without it. It asserts that admitting the tendered statement without the opportunity for cross-examination would be unfair to the Defence.<sup>34</sup>

16. In its Second Motion Reply, the Prosecution asserts that GH-083 is unavailable and that his evidence is appropriate for admission pursuant to Rule 92 *quater*.<sup>35</sup> The Prosecution further replies that, should the Chamber find any references in paragraphs 23 and 25 to be too proximate to Hadžić, it should admit the statement, but with those passages redacted.<sup>36</sup>

17. The medical certificate submitted with the Second Motion, dated 26 November 2012, states that GH-083 had a stroke in 1988 that resulted in partial paralysis of his left foot, leg, and hip and that he now drags his left foot. In 2012 GH-083 had a “possible TIA attack.”<sup>37</sup> The same medical certificate indicates that GH-083 suffers from “[a] sleeping disorder, nightmares, anxiety and depression” and that “[t]his could be an expression of posttraumatic stressdisorder [*sic*].”<sup>38</sup> The medical certificate submitted with the First Supplement Motion, dated 29 May 2013, states that, in the opinion of a psychologist and a “Specialist in general psychiatry”, GH-083 has developed PTSD and has received medical treatment and psychotherapy at their facility. The specialists state that

the patient must avoid any stimuli that remind him of the events that he experienced to the greatest possible extent. If the patient is exposed to such experiences, this will delay his treatment and aggravate his state of health.<sup>39</sup>

Considering the contents of these medical certificates, the Chamber is satisfied that GH-083 is objectively unavailable within the meaning of Rule 92 *quater*.

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<sup>32</sup> Supplement Response, para. 1; Second Motion Response, paras 7-8. See the document designated with Rule 65 *ter* number 02445, pp. 5-6.

<sup>33</sup> Supplement Response, para. 1; Second Motion Response, paras 7-9.

<sup>34</sup> Supplement Response, para. 6.

<sup>35</sup> Second Motion Reply.

<sup>36</sup> Second Motion Reply, paras 5-8.

<sup>37</sup> Second Motion, confidential Annex B. The Chamber understands “TIA” in this context to be a reference to “Transient ischemic attack”.

<sup>38</sup> Second Motion, confidential Annex B.

<sup>39</sup> First Supplement Motion, confidential Annex A.

18. The Chamber considers that GH-083's evidence is relevant to charges in the Indictment. The Chamber considers that (a) the statement was made with the assistance of a Registry-approved interpreter who orally translated the statement into a language the witness understood; (b) the statement was signed by the witness with an acknowledgement of the truth of its contents; (c) the evidence relates to events about which other witnesses provide evidence; (d) there are no manifest inconsistencies in the statement; and (e) the witness distinguishes between what he personally witnessed and what he heard from others.

19. The Chamber notes that, in the witness statement, GH-083 provides information about an individual who he believed was in charge of an operation to bury a number of dead bodies located at Lovas Farm.<sup>40</sup> The witness made this conclusion based on the individual's "arrogant behaviour".<sup>41</sup> The Chamber does not consider that this individual is sufficiently proximate to Hadžić or that the evidence is sufficiently pivotal to the Prosecution's case that it would be unfair to admit it in written form without the opportunity for cross-examination. The Chamber recalls that it cannot and will not base a conviction solely on uncorroborated evidence admitted pursuant to Rule 92 *quater*.<sup>42</sup> The Chamber therefore finds that the probative value of the evidence is not substantially outweighed by the need to ensure a fair trial. The Chamber is satisfied that the witness is unavailable and finds that the tendered evidence is reliable, is relevant, has probative value, and is appropriate for admission pursuant to Rules 89(C) and 92 *quater*.

20. The Chamber does not consider it appropriate for the Prosecution to compile the evidence of GH-083 into a single amalgamated document. However, the Chamber notes that the last page of the transcript of GH-083's prior testimony in *S. Milošević* is not included in Rule 65 *ter* number 04556. The Prosecution will be ordered to add this page to the document in eCourt.

21. The Chamber recalls that GH-083 has the protective measure of the use of a pseudonym in all proceedings before the Tribunal related to this case.<sup>43</sup> To give effect to this protective measure, the tendered evidence will be admitted under seal. The Prosecution will be ordered to upload and release in eCourt public redacted versions of the admitted documents with identifying information redacted.

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<sup>40</sup> Rule 65 *ter* 02445, Witness Statement, 8 May 2001, p. 5.

<sup>41</sup> Rule 65 *ter* 02445, Witness Statement, 8 May 2001, p. 5.

<sup>42</sup> *Prosecutor, Prlić et al.*, Case No. IT-04-74-AR73.6, Decision on Appeals Against Decision Admitting Transcript of Jadranko Prlić's Questioning into Evidence, 23 November 2007, paras 57-59; *Prosecutor v. Galić*, Case No. IT-98-29-AR73.2, Decision on Interlocutory Appeal Concerning Rule 92 *bis* (C), 7 June 2002, para. 12, fn 34 and the authorities cited therein.

<sup>43</sup> Decision on Prosecution Motion for Protective Measures for Witnesses (confidential), 24 August 2012 ("Protective Measures Decision"), paras 25, 42(a)(xvi).

22. *GH-142*: The Prosecution submits a death certificate to demonstrate that GH-142 is unavailable.<sup>44</sup> According to the Prosecution, GH-142's evidence, in the form of a written statement, is relevant to events in Dalj and Erdut charged in the Indictment and is corroborated by the evidence of seven other witnesses.<sup>45</sup> The Defence does not object to the admission of GH-142's written statement.<sup>46</sup>

23. The Defence does not dispute, and the Chamber accepts, that GH-142 is deceased and therefore unavailable. The Chamber considers that GH-142's evidence is relevant to charges in the Indictment. The Chamber notes that (a) the statement was made with the assistance of a Registry-approved interpreter who orally translated the statement into a language the witness understood; (b) the statement was signed by the witness with an acknowledgement of the truth of its contents; (c) the evidence relates to events about which other witnesses provide evidence; (d) there are no manifest inconsistencies in the witness's evidence; and (e) the witness indicated where he could not remember or where he was uncertain about particular information. The Chamber is satisfied that the witness is unavailable and finds that the tendered evidence is reliable, is relevant, has probative value, and is appropriate for admission pursuant to Rules 89(C) and 92 *quater*.

#### **D. Disposition**

24. Accordingly, the Trial Chamber, pursuant to Rules 54, 89, and 92 *quater* of the Rules, hereby

(a) **GRANTS** the First Supplement Motion;

(b) **GRANTS** the Second Supplement Motion;

(c) **ADMITS** the following into evidence:

(i) *GH-079*: Rule 65 *ter* numbers 02394, 05863 (ERN 0217-1521);

(ii) *GH-083*: Rule 65 *ter* numbers 02445 (under seal), 02456 (under seal), 02511 (under seal), 04555 (under seal), 00511 (under seal), and 02446 (under seal);

(iii) *GH-142*: Rule 65 *ter* number 02387;

(d) **ORDERS** the Prosecution—by no later than 26 July 2013—to (i) attach the last page of the transcript of testimony to Rule 65 *ter* number 04556 and (ii) file a written notice on the

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<sup>44</sup> Second Supplement Motion, confidential Annex A.

<sup>45</sup> First Motion, confidential Annex A, pp. 44-45.

<sup>46</sup> Supplement Response, para. 1. *See also* First Response, paras 13, 56-57; First Reply, p. 4.

official record of the proceedings when it has done so, after which Rule 65 *ter* number 04556 shall be deemed admitted into evidence, under seal;

- (e) **ORDERS** the Prosecution—by no later than 26 July 2013—to (i) upload to and release in eCourt a public redacted version of each of the written statements and transcripts admitted in this decision under seal (including Rule 65 *ter* number 04556 with the last page attached) and (ii) file a written notice on the official record of the proceedings when it has done so, after which the public redacted versions shall be deemed admitted into evidence; and
- (f) **INSTRUCTS** the Registry to take all appropriate and necessary measures to implement this decision.

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

Done this eighteenth day of July 2013,  
At The Hague,  
The Netherlands.



Judge Guy Delvoie  
Presiding

**[Seal of the Tribunal]**