

4-09-92-T
D 71123 - D 71131
18 September 2013

71123 YB.

**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-09-92-T
Date: 18 September 2013
Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding
Judge Bakone Justice Moloto
Judge Christoph Flügge

Registrar: Mr John Hocking

Decision of: 18 September 2013

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

**DECISION ON PROSECUTION'S TWELFTH MOTION TO
ADMIT EVIDENCE PURSUANT TO RULE 92 *BIS***

Office of the Prosecutor

Mr Dermot Groome
Mr Peter McCloskey

Counsel for Ratko Mladić

Mr Branko Lukić
Mr Miodrag Stojanović

I. PROCEDURAL HISTORY AND SUBMISSIONS OF THE PARTIES

1. On 28 January 2013, the Prosecution filed a motion pursuant to Rules 54, 89(C) and 92 *bis* of the Tribunal's Rules of Procedure and Evidence ("Rules") seeking to admit into evidence material with regard to RM-260, Veljko Ivanović (RM-262), Dragan Jović (RM-270), RM-285, Damjan Lazarević (RM-286), RM-308, RM-339 and Milenko Tomić (RM-367).¹ The Prosecution requests that it be permitted to exceed the usual word limit for motions considering that the Motion addresses the evidence of eight Rule 92 *bis* witnesses.²

2. The Prosecution seeks admission of excerpts of previous testimony of these witnesses from one or more of the following cases: *Blagojević & Jokić*, *Popović et al.* and *Karadžić*. It submits that it relies on the transcript excerpts as none of the witnesses have given prior statements to the Prosecution and doing so would prevent the "inefficient consumption of Tribunal resources".³ For six of the witnesses, the Prosecution seeks the admission of associated exhibits comprising mainly of pseudonym sheets, sketches, vehicle logs, aerial images and photographs.⁴ Lastly, the Prosecution submits that it has redacted content in the tendered evidence that is duplicative of adjudicated facts accepted by the Chamber, but only in instances where the content did not contain greater details or was not necessary to understand the witness's narrative.⁵

3. The Prosecution contends that the proposed evidence of all eight witnesses is reliable, probative of issues in the instant case, and relevant to proving the murder and disposal of the Bosnian Muslim men and boys from Srebrenica.⁶ The Prosecution further states that the evidence does not relate to acts and conduct of the Accused.⁷ The Prosecution submits that all associated exhibits - seven of which it seeks to add to the Rule 65 *ter* exhibit list through the Motion - comprise an inseparable and indispensable part of the witnesses' evidence.⁸ The Prosecution argues that calling the witnesses for cross-examination is unnecessary because a transcript of a witness's prior testimony may be admitted in absence of an ICTY written statement and the tendered evidence ensures the focused presentation of evidence that primarily concerns proof of the crime-

¹ Prosecution Twelfth Motion to Admit Evidence Pursuant to Rule 92 *bis*, 28 January 2013 (Confidential with Confidential Annexes A and B), para. 1.

² Motion, para. 5.

³ Motion, paras 9-11.

⁴ Motion, paras 16-17, 23, 27, 30-31, 34-35, 41-42, 45-46, 49-50.

⁵ Motion, para. 4.

⁶ Motion, paras 1, 2, 12-13.

⁷ Motion, para. 14.

⁸ Motion, paras 6, 9-11, 15.

base, as well as the political, and military context relevant for this case.⁹ The Prosecution submits that the admission of the proffered material will expedite the proceedings and will not unfairly prejudice the Accused.¹⁰

4. On 8 February 2013, the Defence filed a motion seeking an extension of 30 days to respond to the Motion.¹¹ The request was granted in court on 12 February 2013.¹² On 11 March 2013, the Defence filed its Response to the Motion (“Response”).¹³ The Defence opposes the Motion on several grounds. First, the Defence submits that important portions of the proposed witnesses’ written evidence are only corroborated by other Rule 92 *bis* witnesses, failing to comply with Rule 92 *bis* (A)(i)(a) which requires corroboration by witnesses giving oral testimony on similar facts.¹⁴ The Defence argues, second, that for the majority of the witnesses who are subject of the Motion, the testimony of referenced Rule 92 *ter* witnesses by the Prosecution corroborates only peripheral elements but not core parts of their evidence.¹⁵ Third, the Defence contends that for the purpose of completeness, the written evidence sought for admission should include the portions of cross-examinations which have been redacted by the Prosecution.¹⁶ It argues, in addition, that the large amount of redactions may entail the risk of the Chamber analysing partial testimony which loses meaning when taken out of context.¹⁷ Fourth, the Defence avers that, given the importance of the subject matter of the proposed evidence, the evidence should be tested in court and subjected to cross-examination.¹⁸ Finally, the Defence argues that portions of the statements of Veljko Ivanović, Dragan Jović and RM-285 are based on hearsay; hence they are unreliable and should be redacted.¹⁹

5. On 14 June 2013, the Prosecution filed a Corrigendum to the Motion.²⁰ The prosecution inadvertently submitted an unofficial transcript in relation to Veljko Ivanović and the corrigendum attaches the official transcript.²¹

⁹ Motion, paras 2, 8.

¹⁰ Ibid.

¹¹ Defence Motion to Enlarge Time to Respond to Prosecution Twelfth Motion to Admit Evidence Pursuant to Rule 92*bis*, 8 February 2013 (Confidential).

¹² T. 8438

¹³ Defence Response to Prosecution Twelfth Motion to Admit Evidence Pursuant to Rule 92 *bis*, 11 March 2013 (Confidential).

¹⁴ Response, para. 7.

¹⁵ Response, para. 7.

¹⁶ Response, para. 8.

¹⁷ Response, para. 9.

¹⁸ Response, para. 10.

¹⁹ Response, paras 11-13.

²⁰ Corrigendum to Prosecution Twelfth Motion to Admit Evidence Pursuant to Rule 92 *bis*, 14 June 2013

²¹ Ibid, para. 1.

II. APPLICABLE LAW

6. The Chamber recalls and refers to the applicable law governing the admission of evidence pursuant to Rule 92 *bis* of the Rules, as set out in a previous decision.²²
7. With regard to the applicable law related to the admission of associated exhibits, the Chamber recalls and refers to one of its previous decisions dealing with this matter.²³
8. The Chamber recalls and refers to the applicable law governing additions to the Rule 65 *ter* exhibit list, as set out in a previous decision.²⁴

III. DISCUSSION

(a) Preliminary matters

9. The Chamber grants the Prosecution request to exceed the word limit for the Motion given the number of witnesses that are concerned.
10. In accordance with Rule 75 (F) (i) of the Rules, protective measures as granted to RM-260, RM-285, RM-308 and RM-339 in previous cases before this Tribunal continue to apply in this case. For that reason the Chamber has not referred to the names of these Witnesses.

(b) Additions to the Rule 65 *ter* Exhibit List

11. Of the seven proposed exhibits which the Prosecution seeks to add to its Rule 65 *ter* exhibit list, three are pseudonym sheets for RM-260 in the cases *Blagojević & Jokić*, *Popović et al.*, and *Karadžić*, and two are aerial images marked by the witness. The sixth proposed exhibit, sought to be tendered as an associated exhibit to RM-285's previous testimony in *Popović et al.*, consists of a pseudonym sheet used for the witness in that case. The seventh proposed exhibit is a Report of the 1st Zvornik Infantry Brigade, sought for admission as an associated exhibit to RM-339's testimony in the *Blagojević and Jokić* case. This report is four pages in length. The Defence did not make submissions with respect to the addition of these proposed exhibits to the Rule 65 *ter* exhibit list. Considering the nature and limited length of the documents, the Chamber finds that it is in the interests of justice to add the seven exhibits to the Rule 65 *ter* exhibit list.

²² Decision on Prosecution Third Motion to Admit Evidence Pursuant to Rule 92 *bis*: Sarajevo Witnesses, 19 October 2012 ("Decision on Third 92 *bis* Motion"), paras 5-8.

(c) Rule 92 bis Witnesses

i. Relevance and Probative Value

12. The Chamber considers the evidence of RM-260, Veljko Ivanović, Dragan Jović, RM-285, Damjan Lazarević, RM-308, RM-339 and Milenko Tomić relevant to the alleged joint criminal enterprise to eliminate the Bosnian Muslims in Srebrenica and to Counts 2-6 of the Indictment concerning the charges of genocide, persecutions, murder and extermination of Bosnian Muslim men and boys from Srebrenica.

13. Upon review of the proffered evidence of RM-260, Damjan Lazarević, RM-308, RM-339 and Milenko Tomić, the Chamber finds that they are of sufficient probative value for admission.

14. With respect to the Defence objection that the portions of the evidence of Veljko Ivanović, Dragan Jović and RM-285 rely on hearsay, the Chamber recalls that hearsay evidence is, in principle, admissible before the Tribunal and that the weight to be attributed to it will be assessed in light of all the evidence before it.²⁵ As the source of knowledge is clear from the portions at issue, the Chamber considers that there is no need for redactions of the witnesses' statements on this ground.

15. Upon review, the Chamber concludes that the evidence of Veljko Ivanović, Dragan Jović and RM-285 is of sufficient probative value for admission so that the requirements set out in Rule 89 (C) of the Rules have been met.

ii. Admissibility Pursuant to Rule 92 bis of the Rules

16. The evidence provided by the proposed witnesses relates to the crime base part of the case. The evidence of each of the proposed witnesses, moreover, is cumulative to the evidence that other witnesses have already provided or are expected to provide with regard to similar incidents, as further explored below.

17. The proposed evidence of RM-260 concerns the alleged scheduled killings at Kravica warehouse (Schedule E.3), Sandići meadow (Schedule E.4), Potočari (Schedule E.14) and Vuk Karadžić school (Schedule E.15.1). The Chamber has heard the testimony of Witnesses RM-254

²³ Decision on Prosecution Motion to Admit the Evidence of Witness RM-266 Pursuant to Rule 92 *quater*, 22 July 2012, (Public) para. 13.

²⁴ Decision on Prosecution Second Motion to Amend Rule 65 *ter* Exhibit List, 27 June 2012, (Public) paras 5-6.

²⁵ See *Prosecutor v. Aleksovski*, Case No. IT-95-14/I-AR73 Decision on Prosecutor's Appeal on Admissibility of Evidence, 16 February 1999, para. 15.

and RM-256, survivors of the Kravica warehouse incident.²⁶ With regard to the alleged massacre at Sandići meadow, RM-333 testified pursuant to Rule 92 *ter* of the Rules.²⁷ Furthermore, concerning the crimes at Potočari (Schedule E.14), Paul Groenewegen, a member of the Dutch Battalion who testified pursuant to Rule 92 *ter* of the Rules, testified about the summary execution of a Muslim man in Potočari.²⁸ In addition, RM-306, who testified pursuant to Rule 92 *ter* of the Rules, provided evidence regarding the killings at Vuk Karadžić school and at the Kravica warehouse. RM-306 witnessed truckloads of bodies collected from Vuk Karadžić school arriving at Glogova in July 1995, as well as the execution of five men by uniformed soldiers in front of the Kravica warehouse and saw 40 to 50 dead bodies piled outside of the warehouse.²⁹

18. The proposed evidence of Veljko Ivanović, Dragan Jović, Damjan Lazarević and RM-308 concerns the executions at Kozluk (Schedule E.8.1). Veljko Ivanović and Dragan Jović furthermore provide evidence concerning crimes committed at Ročević school (Schedule E.8.2). RM-269 and Srećko Aćimović testified pursuant to Rule 92 *ter* of the Rules with regard to these incidents.³⁰ Aćimović, commander of the 2nd Battalion of the Zvornik Brigade, testified that he received a written telegram ordering him to assemble a unit to execute prisoners held at Ročević school, and heard that there were mass burials in Kozluk.³¹ RM-269 witnessed prisoners from Ročević school being loaded onto trucks, heard that prisoners were to be taken to Kozluk to be executed, and observed the corpses of about five or six prisoners on the ground outside Ročević school.³²

19. The proposed evidence of Damjan Lazarević and RM-339 relates to the killings and burial operations alleged to have taken place in Orahovac and Branjevo farm (Schedule E.6.2 and E.9.2). Their evidence in regard to the crimes in Orahovac is cumulative to that of RM-297, a survivor of the killings in Orahovac, who testified pursuant to Rule 92 *ter*.³³ Further, Rule 92 *ter* witness RM-313 who survived the massacre in Orahovac, provided testimony before the Chamber.³⁴ RM-346 and RM-255 are survivors of the alleged killings at Branjevo farm and have provided testimony pursuant to Rule 92 *ter* of the Rules.³⁵

²⁶ T. 13174-13204, T. 13789-13889.

²⁷ T. 6734-6808.

²⁸ T. 10475-10533, 10538-10554.

²⁹ T. 11409-11520.

³⁰ T. 12699-12742; 13214-13278.

³¹ T. 13214-13278.

³² T. 12699-12742.

³³ T. 10934-10994.

³⁴ T. 12250-12274.

³⁵ T. 9552-9625; 1160-1203.

20. RM-285's proposed evidence related to the scheduled killing incident in Bišina (Schedule E.12.1). RM-318 testified pursuant to Rule 92 *ter* in relation to this same incident.³⁶

21. The proposed evidence of Milenko Tomić concerns the transport of Bosnian Muslims killed at the Pilica Cultural Centre to the Branjevo Military Farm (Schedule E.10.1). Witness RM-235 testified pursuant to Rule 92 *ter* of the Rules with regard to this same scheduled incident.³⁷

22. The Chamber finds that the evidence of each of the eight witnesses is corroborated by other evidence which is not Rule 92 *bis* evidence; therefore there are no factors against admitting the proffered transcripts pursuant to Rule 92 *bis*.

23. With respect to the Defence objection that the large amount of redactions of the cross-examinations in previous cases can lead to misinterpretation of a witness's evidence, the Chamber notes that it is open to the Defence to propose addition of passages it deems necessary, and recalls the Chamber's guidance in this respect.³⁸

24. For the above reasons, the Chamber finds that witness testimonies of RM-260, Veljko Ivanović, Dragan Jović, RM-285, Damjan Lazarević, RM-308, RM-339 and Milenko Tomić are admissible under Rule 92 *bis* of the Rules.

iii. Associated Exhibits

25. The Prosecution seeks to tender associated exhibits for RM-260, RM-285, Damjan Lazarević, RM-308, RM-339 and Milenko Tomić. Regarding associated exhibit 65 *ter* 05974, related to Milenko Tomić, the Chamber notes that the English translation uploaded in eCourt does not correspond with the original BCS version. Therefore it will not be admitted into evidence. With regard to the other proposed associated exhibits, the Chamber is satisfied that they are an inseparable and indispensable part of the witnesses' previous testimony, so that the requirements for admission have been met.

26. With regard to the Zvornik Brigade Engineering Company daily orders log, bearing Rule 65 *ter* no. 04277, tendered through Damjan Lazarević, the Chamber notes that the document is more than 70 pages long and that the witness is only commenting on a few selective portions. Therefore, the Chamber will admit only those portions the witness has commented upon into evidence.³⁹

³⁶ T. 14870-14905.

³⁷ T. 13698-13786.

³⁸ T. 106-110, 203-205.

³⁹ See: T. 11666, 11869.

iv. Compliance with Guidelines

27. The Chamber notes that the Prosecution wishes to tender portions of the transcripts from previous cases, as part of the Rule 92 *bis* packages of the proposed witnesses. The Chamber notes that no ICTY statements have previously been taken with any of the witnesses. It also notes that transcript excerpts of testimony in previous cases sought for admission through the respective witnesses are relatively short in length, and that the Prosecution has endeavoured to make a selection of those portions of testimony it considers most relevant. Under these circumstances, it finds that the tendering of this transcript evidence complies with the Chamber's Guidance.⁴⁰

IV. DISPOSITION

28. For the foregoing reasons, pursuant to Rules 54, 89(C) and 92 *bis* of the Rules, the Chamber **GRANTS** the Prosecution request to exceed the word limit in its Motion;

GRANTS the Motion **IN PART**;

With respect to

(i) Witness RM-260

GRANTS LEAVE to add the three pseudonym sheets for RM-260 for testimonies in Case No. IT-02-60-T, Case No. IT-05-88-T, and Case No. IT-95- 5/18-T, as well as the two aerial images of Bratunac town and of Sandići, both marked by RM-260, to the Prosecution's Rule 65 *ter* Exhibit List;

ADMITS into evidence, **UNDER SEAL**,

- a) Testimony of RM-260 dated 20 April 2004 in *Blagojević & Jokić* Case No. IT-02-60-T, T.7860:11-7860:18, 7861:7-7878:18, 7879:3-7890:10, 7893:19-7894:18, 7901:16-7901:20, 7902:6-7902:13, 7904:6-7907:2, 7908:20-7909:7, 7909:10-7909:21, 7909:24-7910:1, 7910:10-7910:22, 7915:24-7918:24, 7920:10-7924:16, 7926:1-7;
- b) Testimony of RM-260 dated 19 November 2007 in *Popović et al.* Case No. IT-05-88-T, T.17847:24-17848:1, 17849:12-20, 17849:24-17853:6, 17864:4-17869:13, 17875:21-17877:17, 17887:20-17891:1;

⁴⁰ T. 106-110, 137-138, 194, 315-325, 525-532.

- c) Testimony of RM-260 dated 7 February 2012 in *Karadžić* Case No. IT-95-5/18-T, T.24218:21-23, 24219:10-T.24219:23, 24220:1-15, 24220:21-24222:9;
- d) the pseudonym sheet for RM-260 for testimony in Case No. IT-02-60-T;
- e) the sketch drawn by RM-260, Rule 65 *ter* no. 05742;
- f) the pseudonym sheet for RM-260 for testimony in Case No.IT-05-88-T; and
- g) the pseudonym sheet for RM-260 for testimony in Case No.IT-95- 5/18-T.

ADMITS into evidence,

- a) the aerial image of Bratunac town marked by RM-260, Rule 65 *ter* no.18950;
- b) the photograph of a hangar at Vuk Karadžić school marked by RM-260, Rule 65 *ter* no. 18951;
- c) the aerial image of Bratunac town marked by RM-260; and
- d) the aerial image of Sandići marked by RM-260.

(ii) Witness Veljko Ivanović

ADMITS into evidence, **UNDER SEAL**, the testimony of Witness Veljko Ivanović dated 26 November 2007 in *Popović et al.* Case No.IT-05-88-T, T.18170:15-18170:17, 18173:3-18186:22, 18187:12-18187:20, 18188:14-18194:3, 18195:19-18195:24, 18196:19-18198:12, 18200:7-18200:24, 18207:12-18210:8, 18222:7-18222:16, 18223:22-18224:6, 18227:4-18228:8.

(iii) Witness Dragan Jović

ADMITS into evidence the testimony of Witness Dragan Jović dated 21 November 2007 in *Popović et al.* Case No.IT-05-88-T, T.18045:25-18048:7, 18048:11-18050:17, 18050:21-18057:14, 18057:19-18068:5, 18080:10-18081:4, 18082:16-18083:11, 18047:11-18062:16.

(iv) Witness RM-285

GRANTS LEAVE to add the pseudonym sheet for RM-285 for testimony in Case No.IT-05-88-T to the Prosecution's Rule 65 *ter* Exhibit List;

ADMITS into evidence, **UNDER SEAL**,

- a) Testimony of RM-285 dated 25 March 2009 in *Popović et al.*, Case No.IT-05-88-T, T.32778:2-32778:4, 32780:7-32790:22, 32778:25-32784:10, 32784:11-32784:16, 32784:17-32785:1, 32785:1-32786:23, 32787:1-32788:8, 32788:10-32788:10, 32788:12-32790:21, 32791:7-32799:18; and
- b) the pseudonym sheet for RM-285 for testimony in Case No.IT-05-88-T.

ADMITS into evidence,

- a) the Vehicle log for a Drina Corps minibus, 18 to 31 July 1995, Rule 65 *ter* no. 10621.

(v) Witness Damjan Lazarević

ODERS the Prosecution to redact the portions of the Zvornik Brigade Engineering Company daily orders log, Rule 65 *ter* no. 04277 as identified in paragraph 26 of this decision;

ADMITS into evidence

- a) Testimony of Damjan Lazarević dated 29 and 30 March 2007 in *Popović et al.*, Case No.IT-05-88-T, T.14429:19-14433:17, 14434:9-14442:2, 14442:5-14446:20, 14447:4-14449:16, 14449:25-14477:1, 14477:3-14477:12, 14477:14-14478:8, 14478:24-14480:1, 14480:3-14480:15, 14480:18-14480:24, 14481:1-14487:13, 14487:24-14488:17, 14489:10-14491:8, 14499:20-14500:1, 14507:22-14508:18, 14509:8-14509:13, 14510:14-14510:18, 14512:10-14513:11, 14518:2-14518:16, 14522:19-14523:4, 14527:15-14530:5, 14532:3-14533:25;
- b) the photograph of a BGH-500 excavator, Rule 65 *ter* no. 05228;
- c) the photograph of an ULT-220, Rule 65 *ter* no. 05229;
- d) the aerial image of a meadow in Orahovac marked by Damjan Lazarević where he supervised the burial of corpses, Rule 65 *ter* no. 13740;
- e) the photograph of Branjevo farm marked by Damjan Lazarević, Rule 65 *ter* no. 13706;

- f) the aerial image of Branjevo farm marked by Damjan Lazarević, Rule 65 *ter* no. 13708;
- g) the redacted version of the Zvornik Brigade Engineering Company daily orders log, Rule 65 *ter* no. 04277;
- h) the Zvornik Brigade vehicle log for Rovakopac Torpedo from Birac Holding, July 1995, Rule 65 *ter* no. 04280;
- i) the Zvornik Brigade vehicle log ULT-220 from Birac- Holding, Rule 65 *ter* no. 04281;
- j) the Zvornik Brigade vehicle log for Mercedes 2626, July 1995, Rule 65 *ter* no. 14443;
and
- k) the Aerial image of Branjevo farm marked by Damjan Lazarević, Rule 65 *ter* no. 13709.

(vi) Witness RM-308

ADMITS into evidence,

- a) Testimony of RM-308 dated 3 and 4 December 2003 in *Blagojević & Jokić* Case No.IT-02-60-T, T.5588:16-5518:18, 5589:19-5607:24, 5608:14-5609:13, 5609:22-5616:6, 5620:15-5622:9, 5624:4-5624:11, 5634:12-5635:6;
- b) the diagram depicting excavators/ scraper/compactor attached to a memo from the Head of the Interpretation unit to the Trial Chamber dated 24 July 2003, registry pages 18718-18717, Rule 65 *ter* no. 05276;
- c) the Zvornik Brigade vehicle log for Rovakopac Torpedo from Birac Holding, July 1995, Rule 65 *ter* no. 04280; and
- d) the Zvornik Brigade vehicle log for Rovakopac, Rule 65 *ter* no. 04279.

(vii) Witness RM-339

GRANTS LEAVE to add the Report of the 1st Zvornik Infantry Brigade bearing ERN 0340-1475-0340-1478 to the Prosecution's Rule 65 *ter* Exhibit List;

ADMITS into evidence,

- a) Testimony of RM-339 dated 1 December 2003 in *Blagojević & Jokić* Case No.IT-02-60-T, T.5357:25-5358:2, 5358:7-5384:19, 5385:2-5404:11, 5404:24-5404:24, 5406:15-5407:23, 5408:3-5408:19, 5409:22-5409:25, 5410:3-5410:13, 5412:22-5413:17;
- b) the Zvornik Brigade Engineering Company attendance roster for the month of July 1995, Rule 65 *ter* no. 05662;
- c) the diagram depicting excavators/ scraper/compactor attached to a memo from the Head of the Interpretation unit to the Trial Chamber dated 24 July 2003, registry pages 18718-18717, Rule 65 *ter* no. 05276;
- d) the brochure for a BGH-600, Rule 65 *ter* no. 18573; and
- e) the Zvornik Brigade vehicle log for Mercedes 2626, July 1995, Rule 65 *ter* no. 14443;
- f) the Brochure for an ULT-200, Rule 65 *ter* no. 05230;
- g) the Zvornik Brigade vehicle log for Rovakopac, Rule 65 *ter* no. 04279;
- h) the Zvornik Brigade vehicle log for Rovakopac Torpedo from Birac Holding, July 1995, Rule 65 *ter* no. 04280;
- i) the Zvornik Brigade vehicle log ULT-220 from Birac Holding, Rule 65 *ter* no. 04281; and
- j) the Report of the 1st Zvornik Infantry Brigade: "A review of the engineer units for 1995".

ADMITS into evidence, **UNDER SEAL**,

- a) the sketch by RM-339 featuring both the meadow in Orahovac where RM339 dug mass graves and Branjevo farm, Rule 65 *ter* no. 05277.

(viii) Witness Milenko Tomić

ADMITS into evidence,

- a) Testimony of Milenko Tomić dated 5 February 2008 in *Popović et al.*, Case No.IT-05-88-T, T.20994:20-20996:2, 20996:13-21014:11, 21016:20-21017:20, 21018:18-21020:19, 21021:18-21022:7, 21023:7-21024:1;

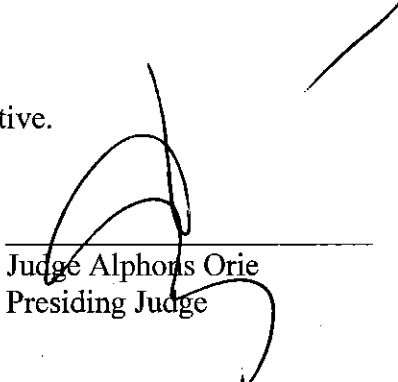
- b) the sketch prepared by Milenko Tomić, Rule 65 *ter* no. 05973;
- c) the Zvornik Brigade transportation records for July 1995, marked by Milenko Tomić on 5 February 2008, showing Radislav Pantić's signature, Rule 65 *ter* no. 14056; and
- d) the Zvornik Brigade transportation records for July 1995, marked by Milenko Tomić on 5 February 2008, showing Radislav Pantić's signature, Rule 65 *ter* no. 14058.

DENIES admission into evidence of the associated exhibit bearing Rule 65 *ter* no. 05974;

INSTRUCTS the Prosecution to upload into eCourt all admitted documents within three weeks of the date of issue of this decision; and

REQUESTS the Registry to assign exhibit numbers to the documents admitted and inform the parties and the Chamber of the numbers so assigned.

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



Judge Alphons Orie
Presiding Judge

Dated this eighteenth day of September 2013
At The Hague
The Netherlands

[Seal of the Tribunal]