



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-05-88-T

Date: 7 December 2007

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IN TRIAL CHAMBER II

Before: Judge Carmel Agius, Presiding
Judge O-Gon Kwon
Judge Kimberly Prost
Judge Ole Bjørn Støle – Reserve Judge

Registrar: Mr. Hans Holthuis

Decision of: 7 December 2007

PROSECUTOR

v.

**VUJADIN POPOVIĆ
LJUBIŠA BEARA
DRAGO NIKOLIĆ
LJUBOMIR BOROVČANIN
RADIOVOJE MILETIĆ
MILAN GVERO
VINKO PANDUREVIĆ**

PUBLIC

**DECISION ON ADMISSIBILITY OF INTERCEPTED
COMMUNICATIONS**

Office of the Prosecutor

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Mr. John Ostojić and Mr. Christopher Meek for Ljubiša Beara
Ms. Jelena Nikolić and Mr. Stéphane Bourgon for Drago Nikolić
Mr. Aleksandar Lazarević and Mr. Miodrag Stojanović for Ljubomir Borovčanin
Ms. Natacha Fauveau Ivanović and Mr. Nenad Petrušić for Radivoje Miletić
Mr. Dragan Krgović and Mr. David Josse for Milan Gvero
Mr. Peter Haynes and Mr. Đorđe Sarapa for Vinko Pandurević

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 seized of the "Prosecution's Submission in Support of the Admissibility of Intercept Evidence, with Confidential Annexes", filed on 1 May 2007 ("Prosecution Submission"), and hereby renders its decision thereon.

I. PROCEDURAL BACKGROUND

A. Written Submissions

1. In its "Decision on Prosecution's *Confidential* Motion for Admission of Written Evidence in Lieu of *Viva Voce* Testimony Pursuant to Rule 92 *bis*", filed on 12 September 2006 ("12 September 2006 Rule 92 *bis* Decision"), the Trial Chamber decided "to defer any ruling on the admissibility of intercepted communications until such time as the issue can be addressed in a comprehensive fashion."¹ Accordingly, the intercepted communications ("intercepts") tendered thus far in this trial have not been admitted but, rather, marked for identification pending an eventual decision on their admissibility.² Interim written submissions were filed in response to an order by the Trial Chamber.³

2. On 7 March 2007, the Trial Chamber issued an "Order Setting Deadlines for Submissions Regarding the Admissibility of Intercept Evidence" ("Order Setting Deadlines"), which required the Prosecution to file a written submission on the admissibility of the intercepts no later than 29 March 2007, with Defence responses due no later than 21 days following the Prosecution's filing.⁴ Both deadlines were subsequently modified orally by the Trial Chamber in response to requests from the parties.⁵ The Prosecution Submission was filed on 1 May 2007. Popović,⁶ Beara,⁷ Nikolić,⁸

¹ 12 September 2006 Rule 92 *bis* Decision, para. 103.

² See e.g., T. 4556 (27 November 2006).

³ On 17 January 2007, the Trial Chamber issued an "Order Regarding Intercepted Communications" ("Order of 17 January 2007"), which required the Accused to "provide the Trial Chamber and the Prosecution with [interim] written submissions substantially describing the nature of each of [their] challenges to the general admissibility of intercept evidence" by 2 February 2007. Order of 17 January 2007, p. 1. The following were filed in response: Defence Submission on Behalf of Drago Nikolić Regarding Its Objection to the Admissibility of Intercepted Communications, 2 February 2007; Defence Submissions on the Exclusion of Intercept Evidence Pursuant to Rule 95, filed by Popović on 2 February 2007; Accused Beara's Submissions Regarding the Lack of Admissibility of Intercept Evidence, 2 February 2007; General Miletić's Submissions Objecting to the Admissibility of Intercepted Communications, 9 February 2007 (English translation), 2 February 2007 (French original); Borovčanin Defence Notification on Joining Other Srebrenica Defence Preliminary Submissions Regarding Admissibility of Intercept Material and Evidence, 5 February 2007.

⁴ Order Setting Deadlines, p. 2.

⁵ T. 9857-9858 (2 April 2007); T. 13268 (25 June 2007).

⁶ Defence Motion for Exclusion of Intercept Evidence Pursuant to Rules 95 and 89, confidential, 9 July 2007 ("Popović Response").

⁷ Defence Response on Behalf of Ljubiša Beara to the Prosecution's Submission in Support of the Admissibility of Intercept Evidence, with Confidential Annexes, 9 July 2007 ("Beara Response"). Although the Beara Response was

Miletić⁹, Gvero¹⁰ and Borovčanin¹¹ (the “Accused”) each filed responsive submissions challenging the admissibility of the intercepts. Pandurević filed a response taking no position on the admissibility of the intercepts.¹² The Prosecution requested leave and filed a consolidated reply to the Defence responses.¹³ Popović requested leave and filed a sur-reply to the Prosecution Reply.¹⁴

B. The Tendered Exhibits

3. The Prosecution tendered 213 individual intercepts. For many of these individual conversations, the Prosecution tendered several documents, including photocopies of the relevant portions of the original BCS handwritten notebooks, English translations thereof, printouts of the original BCS computer transcriptions from the handwritten notebooks, and English translations of the transcriptions. Entire copies of some of the original handwritten BCS notebooks were also tendered. In a few instances, the Prosecution tendered audiotape recordings of the intercepts, along with transcriptions of the recordings. In support of their challenge to the admissibility of the intercepts, some of the Accused also tendered exhibits. In total, 722 tendered exhibits were marked for identification pending the Trial Chamber’s decision on admissibility.¹⁵

C. Witnesses

4. In support of admission of the intercepts, the Prosecution called 28 former intercept operators to testify at trial.¹⁶ The Prosecution notes that, pursuant to its interpretation of the 12

initially filed as a public document, Beara filed a “Defence Notification of Confidential Filing of Defence Response on Behalf of Ljubiša Beara to the Prosecution’s Submission in Support of the Admissibility of Intercept Evidence, with Confidential Annexes”, confidential, on 13 July 2007, in which he requested confidential status for the Beara Response.

⁸ Defence Submission on Behalf of Drago Nikolić Regarding the Admissibility of Intercepted Communications, confidential, 9 July 2007 (“Nikolić Response”).

⁹ Response of General Miletić to Prosecution Submissions Regarding Admissibility of Intercepted Communications, confidential, 2 August 2007 (English translation), 9 July 2007 (French original) (“Miletić Response”).

¹⁰ Response on Behalf of Milan Gvero to ‘Prosecution’s Submission in Support of the Admissibility of Intercept Evidence with Confidential Annexes’, 9 July 2007 (“Gvero Response”).

¹¹ Borovčanin Defence Notification on Joining Other Defence Submissions and Responses to ‘Prosecution’s Submission in Support of the Admissibility of Intercept Evidence, with Confidential Annexes’, confidential, 11 July 2007).

¹² Response on Behalf of Vinko Pandurević to Prosecution’s Submission in Support of the Admissibility of Intercept Evidence with Confidential Annexes, 13 July 2007.

¹³ Prosecution’s Request for Leave to Reply and Consolidated Reply to the Defence Responses Concerning the Admissibility of Intercept Evidence, 23 July 2007 (“Prosecution Reply”).

¹⁴ Defence Motion Seeking Leave to File Sur-Reply and Sur-Reply to the Prosecution’s Request for Leave to Reply and Consolidated Reply to the Defence Responses Concerning the Admissibility of Intercept Evidence, 31 July 2007 (“Popović Sur-Reply”).

¹⁵ See, Appendix I, *infra*.

¹⁶ PW-131, T. 4563–4786 (27–29 November 2006); PW-123, T. 5873–5916 (16 January 2007); PW-130, T. 5004–5171 (5–6 December 2006); PW-133, T. 5451–5620 (13–14 December 2006); PW-150, T. 6266–6301 (23–24 January 2007); PW-151, T. 6006–6023 (17 January 2007); PW-152, T. 6340–6354 (24 January 2007); PW-153, T. 7405–7436 (20 February 2007); PW-154, T. 8325–8342 (6 March 2007); PW-158, T. 8343–8429 (7 March 2007); PW-124, T. 5751–5834 (11–12 January 2007); PW-129, T. 5622–5724 (10–11 January 2007); PW-132, T. 4264–

September 2006 Rule 92 *bis* Decision in the early months of this trial, it called “each and every operator who transcribed or intercepted communications going to the ‘acts or conduct’ of one or more of the Accused.”¹⁷

5. The Trial Chamber also heard the testimony of Stefanie Frease, a Prosecution analyst who worked with the intercepts for over two years.¹⁸ In support of their challenges to the admissibility of the intercepts, the Defence presented the testimony of Đuro Rodić, a radio relay communications expert.¹⁹ Rodić’s expert report and its annexes were tendered and admitted into evidence.²⁰

II. SUBMISSIONS OF THE PARTIES

6. The parties’ submissions are voluminous and detailed, making hundreds of factual assertions—and drawing inferences—based on the evidence appearing in the record. As explained below, the inquiry at this time does not concern the accuracy of the contents of any individual intercept or to what extent those contents support the charges in the Indictment. Accordingly, the Trial Chamber will summarize the submissions as they relate to the relevant legal determination at issue—the admissibility of the intercepts.

A. The Prosecution Submission

7. The Prosecution submits that the intercepts “are *prima facie* relevant to the crimes and events specifically set out in the Indictment insofar as they concern communications within the [Army of the Republika Srpska (“VRS”)] chain of command (including those within and among the Main Staff, Drina Corps and subordinate brigades and battalions).”²¹ Collectively, the intercepts provide a narrative of the VRS attack on Srebrenica and the events that followed.²² Additionally, many of the intercepts provide direct evidence of the acts or conduct of one or more of the

4560 (21–27 November 2006); PW-134, T. 5922–5978 (16–17 January 2007); PW-135, T. 5977–6003 (17 January 2007); PW-137, T. 5373–5449 (12 December 2006); PW-140, T. 5282–5365 (11 December 2006); PW-147, T. 6315–6333 (24 January 2007); PW-157, T. 7158–7234 (9 February 2007); PW-136, T. 6205–6244 (23 January 2007); PW-148, T. 6244–6255 (23 January 2007); PW-149, T. 6026–6053 (18 January 2007); PW-166, T. 10673–10704 (27 April 2007); PW-128, T. 6115–6165 (22 January 2007); PW-144, T. 6169–6181 (22 January 2007); PW-145, T. 7234–7309 (9, 19 February 2007); PW-146, T. 6187–6204 (22–23 January 2007); PW-122, T. 8432–8522 (8 March 2007).

¹⁷ Prosecution Submission, para. 20.

¹⁸ Stefanie Frease, T. 6084–6113 (19 January 2007), 6357–6415 (25 January 2007), 7756–7810 (26 February 2007), 7817–7895 (27 February 2007), 8047–8056 (1 March 2007), 8058–8165 (2 March 2007), 8168–8251 (5 March 2007), 8252–8309 (6 March 2007).

¹⁹ Đuro Rodić, T. 12059–12130 (24 May 2007), 12452–12525 (12 June 2007).

²⁰ Ex. 1D00321, “Analysis of Interception” (confidential); Ex. 1D00322, “Confidential Appendix I” (confidential); Ex. 1D00323, “Confidential Annex II” (confidential).

²¹ Prosecution Submission, para. 4.

²² *Ibid.*, para. 8.

Accused.²³ At the Trial Chamber's specific request, the Prosecution Submission incorporated "a section describing the *prima facie* relevance of each tendered intercepted communication to the Indictment" ("Annex I").²⁴

8. The Prosecution further submits that neither a conclusive examination of reliability nor absolute authenticity is a requirement of admissibility. Rather, "the implicit requirement of reliability means no more than that there must be sufficient indicia of reliability to make out a *prima facie* case for the admission of [a] document."²⁵ Detailing its view of the evidence adduced in support of the admissibility of the intercepts, the Prosecution concludes that the reliability of the intercepts is sufficient to support its admission under Rule 89 *et seq.*²⁶ Any Defence objections, it argues, should go to the weight to be accorded the evidence and not to its admissibility.²⁷

B. The Defence Responses

1. The Popović Response

9. Popović submits that in order for the intercepts to be admissible, the Prosecution must prove their reliability beyond a reasonable doubt. Citing Rule 95, Popović asserts that if the Prosecution fails to meet this threshold "the Trial Chamber must exclude [the intercepts] from the trial record."²⁸ Anything less, he asserts, would infringe on his right to a fair trial.²⁹

10. Popović relies heavily upon the evidence of Defence expert Đuro Rodić, challenges the chain of custody of the intercepts, and highlights various alleged anomalies and inconsistencies in the Prosecution's evidence. Popović essentially argues that the intercepts are a fabrication, created by "BiH authorities" long after the events in question.³⁰

2. The Beara Response

11. Like Popović, Beara submits that the Prosecution has not established each element of admissibility beyond a reasonable doubt. At best, he asserts, the Prosecution has only met the "lesser standard of a 'balance of probabilities'."³¹

²³ *Ibid.*, para. 8.

²⁴ Order Setting Deadlines, p. 2.

²⁵ Prosecution Submission, para. 9.

²⁶ *Ibid.*, para. 35.

²⁷ *Ibid.*, para. 34.

²⁸ Popović Response, para. 6.

²⁹ *Ibid.*, para. 9.

³⁰ *Ibid.*, para. 73.

³¹ Beara Response, para. 9.

12. As to the intercepts themselves, Beara attacks their reliability and authenticity. He argues that they are "obscure and unreliable" and can be attributed to the Accused only through "loose assumptions with no evidentiary foundation."³² Moreover, he asserts, they were "provided by one party to the conflict with a potential motive to inculcate any and all members of the VRS [...] delivered by the security agencies of one of the warring parties to be used to prosecute their enemy many years after they were purportedly recorded."³³

13. Beara submits that the trial record reveals inadequacies in the level of training of the intercept operators, the procedures they followed and the equipment they used. Beara criticises the Prosecution for not adequately authenticating the intercepts, and challenges the chain of custody as falling "woefully short."³⁴ Accordingly, he claims, the intercepts have no probative value such that admitting them would hinder his right to a fair trial and would damage the integrity of the Tribunal.³⁵

3. The Nikolić Response

14. Nikolić submits that the Prosecution must: (1) establish the authenticity of the intercepts beyond a reasonable doubt; and (2) make a *prima facie* showing of the reliability of the intercepts before they may be admitted into evidence.³⁶

15. Nikolić submits that the Prosecution's failure to adduce audio recordings for the vast majority of the intercepts renders them inadmissible.³⁷ Alleging that the Prosecution has not confirmed that it does not possess audio recordings of the intercepts tendered, Nikolić argues that admitting the intercepts would violate the best evidence rule.³⁸ Further, any individual intercept would only be admissible if confirmed by a witness that was a party to the transcribed conversation or was present and heard at least one of the parties speaking.³⁹ Nikolić relies on the evidence of Defence expert Đuro Rodić to claim that 106 of the 213 tendered intercepts cannot be authentic.⁴⁰ Questioning the intercept operator witness's ability to identify speakers by voice recognition, citing the incomplete or incomprehensible nature of some of the intercepts, and asserting that the intercepts are largely uncorroborated, Nikolić argues that 198 of the 213 tendered intercepts must be

³² *Ibid.*, para. 14.

³³ *Ibid.*, para. 31.

³⁴ *Ibid.*, para. 115.

³⁵ *Ibid.*, p. 38.

³⁶ Nikolić Response, para. 17.

³⁷ *Ibid.*, para. 25.

³⁸ *Ibid.*, para. 34.

³⁹ *Ibid.*, para. 44.

⁴⁰ *Ibid.*, para. 60.

rejected by the Trial Chamber because “the Prosecution has failed to make a *prima facie* showing of the necessary reliability.”⁴¹

4. The Miletić Response

16. Miletić concedes that the intercepts appear to be *prima facie* relevant to this case.⁴² They are unreliable, however, and their probative value is substantially outweighed by the need to ensure a fair trial.⁴³

17. Miletić submits that the intercepts are unreliable because: 1) there are serious doubts about their authenticity, 2) there are serious deficiencies affecting the chain of custody during the period before they were delivered into the possession of the Prosecution, and 3) there were multiple technical shortcomings in the monitoring and transcription techniques used by the intercept operators.⁴⁴

18. Accordingly, admitting the intercepts would “seriously infringe upon the rights of the Accused and undermine a fair trial.”⁴⁵

5. The Borovčanin Response

19. Borovčanin objects to the admissibility of the intercepts “on the basis of reliability, authenticity/veracity/credibility, and chain of custody.”⁴⁶ Noting that he has read and fully agrees with the four Defence responses outlined above, Borovčanin joins the responses “insofar as they relate to [his stated objections].”⁴⁷

6. The Gvero Response

20. Citing to the interim Defence submissions⁴⁸ Gvero states that “[i]n so far as the substantive arguments in relation to the admissibility of the alleged intercepts are concerned, [he] seek[s] the

⁴¹ *Ibid.*, para. 94. Nikolić agrees that the Prosecution has made a sufficient showing for 15 of the 213 tendered intercepts. *Ibid.*

⁴² Miletić Response, para. 3.

⁴³ *Ibid.*, para. 4.

⁴⁴ *Ibid.*, para. 13.

⁴⁵ *Ibid.*, para. 4.

⁴⁶ Borovčanin Response, para. 6.

⁴⁷ *Ibid.*, para. 7. Borovčanin also notes that Annex 1 of the Prosecution Submission contains certain typographical errors. *Ibid.*, para. 8. To the extent the Trial Chamber has considered Annex 1 of the Prosecution Submission—as explained below at paragraph 26—the Trial Chamber has taken Borovčanin’s typographical error assertions into account.

⁴⁸ *See supra*, para. 1, footnote 3.

exclusion of the alleged intercepts.”⁴⁹ Additionally, Gvero expresses a concern with Annex 1 to the Prosecution Submission, noting that—should the intercepts be admitted—Annex 1 could only serve as “some sort of supplement to the Prosecution’s final brief.”⁵⁰ Accordingly, Gvero seeks an assurance from the Trial Chamber that it will make no further use of Annex 1.⁵¹

C. The Prosecution Reply

21. In its reply, the Prosecution takes issue with the Defence characterizations of the Prosecution’s required burden of proof and argues that the applicable standard at the admissibility stage requires only a *prima facie* showing that the criteria of Rule 89 have been met.⁵²

22. Answering Nikolić’s assertion regarding audio recordings, the Prosecution confirms that it has none in its possession for the intercepts beyond those few audio recordings which have already been tendered. Accordingly, the transcripts of the intercepts are the best evidence available under the circumstances.⁵³

23. As to the various Defence challenges to the reliability of the intercepts, the Prosecution asserts that these are certainly factors to be considered by the Trial Chamber in ultimately deciding what weight, if any, to assign each individual intercept.⁵⁴ None of them, however, is a legitimate challenge to the general admissibility of the intercepts taken as a whole.⁵⁵

24. Finally, the Prosecution addresses the testimony of Defence expert Đuro Rodić.⁵⁶ His evidence, asserts the Prosecution, does not undermine either the authenticity or reliability of the intercepts as a whole.⁵⁷ The Prosecution notes that Rodić analysed only 83 of the 213 intercepts tendered.⁵⁸ Moreover, his analysis relative to those 83 intercepts was based on certain assumptions either at odds with the known facts, or for which no evidentiary support was offered.⁵⁹

⁴⁹ Gvero Response, para. 2.

⁵⁰ *Ibid.*, para. 8.

⁵¹ *Ibid.*, para. 9.

⁵² Prosecution Reply, para. 9.

⁵³ *Ibid.*, paras. 16–17.

⁵⁴ *Ibid.*, para. 28.

⁵⁵ *Ibid.*, para. 78.

⁵⁶ *Ibid.*, paras. 43–69.

⁵⁷ *Ibid.*, para. 44.

⁵⁸ *Ibid.*, para. 44.

⁵⁹ *Ibid.*, para. 44.

D. The Popović Sur-Reply

25. In his sur-reply, Popović notes that the Prosecution's assertion that it possesses no audio-recordings for the intercepts beyond those tendered is ambiguous and "might lead to the conclusion that BiH authorities obstruct the justice by retaining evidence harmful for their interests."⁶⁰ Popović further explains that Đuro Rodić only analysed a limited subset of the intercepts "because the Defence did not know what intercepts would be adduced by the Prosecution."⁶¹ Finally, Popović takes issue with the Prosecution's characterisation of the assumptions upon which Rodić relied.⁶²

III. LAW

26. The admission of evidence before this Tribunal is governed primarily by Rules 89 and 95. Rule 89(C) provides that a Chamber "may admit any relevant evidence which it deems to have probative value." Rule 89(D) provides that a Chamber "may exclude evidence if its probative value is substantially outweighed by the need to ensure a fair trial." Rule 95 provides that evidence shall not be admissible "if obtained by methods which cast substantial doubt on its reliability or if its admission is antithetical to, and would seriously damage, the integrity of the proceedings."

27. It is well-settled that the approach adopted in Rule 89(C) is one favouring the admission of evidence.⁶³ Additionally, this Trial Chamber agrees that "the threshold standard for the admission of evidence [...] should not be set excessively high, as often documents are sought to be admitted into evidence, not as ultimate proof of guilt or innocence, but to provide a context and complete the picture presented by the evidence gathered."⁶⁴ This approach is fully consistent with the role of the professional Judges at the Tribunal.

⁶⁰ Popović Sur-Reply, para. 4.

⁶¹ *Ibid.*, para. 8.

⁶² *Ibid.*, paras. 8–18.

⁶³ *Prosecutor v. Blagojević and Jokić*, Case No. IT-02-60-T, Decision on the Admission into Evidence of Intercept-Related Materials, 18 December 2003 ("*Blagojević* Intercept Decision"), para. 15; *Prosecutor v. Brđanin and Talić*, Case No. IT-99-36-T, Order on the Standards Governing the Admission of Evidence, 15 February 2002 ("*Brđanin* Evidence Order"), para. 11; *Prosecutor v. Delalić, Mucić, Delić and Landžo*, Case No. IT-96-21-T, Decision on the Motion of the Prosecution for the Admissibility of Evidence, 19 January 1998 ("*Delalić* Trial Decision of 19 January 1998"), para. 16.

⁶⁴ *Prosecutor v. Delalić, Mucić, Delić and Landžo*, Case No. IT-96-21-AR73.2, Decision on Application of Defendant Zejnil Delalić for Leave to Appeal against the Decision of the Trial Chamber of 19 January 1998 for the Admissibility of Evidence, 5 March 1998 ("*Delalić* Appeal Decision of 5 March 1998"), para. 20.

IV. DISCUSSION

A. Relevance

26. As noted above, the Prosecution Submission incorporated Annex 1 at the Trial Chamber's specific request. The Trial Chamber does not consider the Prosecution's submissions in Annex I to be evidence, any more than it considers any party's arguments to be evidence. However, the Trial Chamber has considered portions of the submissions in Annex I in conjunction with all the other arguments presented by the parties in assessing whether the tendered exhibits are *prima facie* relevant to this trial.⁶⁵

28. The Trial Chamber notes the following observation of the *Blagojević* Trial Chamber when presented with similar challenges to the admissibility of much of the same evidence

[t]he materials relate directly in time and in place to the events that the Indictment alleges unfolded in the [relevant] municipalities at the relevant time in 1995. The materials also concern alleged communications between units within the VRS chain of command. The materials therefore satisfy the requirement of relevancy.⁶⁶

29. The Accused have taken inconsistent positions on the relevancy of the intercepts.⁶⁷ However, having specific regard to the charges in the Indictment, the Trial Chamber is satisfied that the Prosecution has demonstrated that the intercepts satisfy the requirement of relevance embodied in Rule 89(C).

B. Probative Value and Reliability

1. The Applicable Standard of Proof

30. The Trial Chamber has been presented vastly differing propositions regarding the "burden of proof"—more appropriately characterised as the standard of proof—required for the admissibility of evidence before the Tribunal. Popović and Beara assert that the Prosecution must

⁶⁵ In addition to describing the *prima facie* relevance of each intercept, Annex I includes unsolicited references to what the Prosecution asserts to be corroborative materials. For the reasons explained in sections IV(B)(1) and (2) *infra*, the Trial Chamber is not concerned with the accuracy of the contents of any individual intercept at this stage of the proceedings. Accordingly, the Trial Chamber has not considered the "corroborating" materials listed in Annex I. For this reason, the "Prosecution's Motion for Leave to Amend 65 *ter* Exhibit List with Intercept Corroborating Documents", filed on 6 July 2007, is not germane to this decision and will not be considered herein.

⁶⁶ *Blagojević* Intercept Decision, para. 19.

⁶⁷ Indeed, Miletić concedes the tendered exhibits are *prima facie* relevant. Miletić Response, para. 3. Popović and Nikolić do not address the issue directly. Conversely, Beara claims the intercepts are not relevant, however, he does so by asserting that they "can only be attributed to the Accused through loose assumptions with no evidentiary foundation" and by challenging the "timing of the purported intercept evidence." Beara Response, paras. 14, 17. The Trial Chamber does not consider these to be challenges to relevance. Rather, they are challenges to the accuracy of the contents of the intercepts themselves, something with which the Trial Chamber is not concerned at this stage of the proceedings. See sections IV(B)(1) and (2) *infra*.

prove the reliability of the intercepts beyond a reasonable doubt before the documents are admissible.⁶⁸ By contrast, Nikolić claims that at the admissibility stage the Prosecution need only make a *prima facie* showing of reliability, but must prove the authenticity of the intercepts beyond a reasonable doubt.⁶⁹ Miletić asserts that “authenticity is a precondition for [intercepted conversations] admissibility.”⁷⁰

31. For its part, the Prosecution asserts that these Accused have misread the jurisprudence of the Tribunal, noting that the proponent of evidence is required to demonstrate “a minimum of proof that would be sufficient to constitute a *prima facie* indicia of reliability.”⁷¹

32. This Trial Chamber is persuaded that requiring any party to prove the reliability or authenticity of evidence beyond a reasonable doubt—as a pre-condition of admitting the evidence—would be inconsistent with the approach specifically endorsed by the Appeals Chamber.⁷² Thus, the Prosecution is correct—“[a]t the stage of admission of evidence, the implicit requirement of reliability means no more than that there must be sufficient indicia of reliability to make out a *prima facie* case.”⁷³

33. The Appeals Chamber has stated that to require absolute proof of a document’s authenticity as a pre-condition of admissibility “would be to require a far more stringent test than the standard envisioned by Sub-rule 89(C).”⁷⁴ Moreover, in *Prosecutor v. Naletilić and Martinović*, the Appeals Chamber stated

[a]s to [Naletilić’s] specific argument that where the tendering party has not proven the authenticity of a document then that document is necessarily irrelevant, the Appeals Chamber finds the argument devoid of merit. Pursuant to Rule 89(C), a Chamber may admit any relevant evidence which it deems to have probative value. The implicit requirement that a piece of evidence be *prima facie* credible—that it have sufficient indicia of reliability—is a factor in the assessment of its relevance and probative value.” There is no separate threshold requirement for the admissibility of documentary evidence.⁷⁵

⁶⁸ Popović Response, para. 5; Beara Response, para. 9..

⁶⁹ Nikolić Response, para. 17.

⁷⁰ Miletić Response, para. 10.

⁷¹ Prosecution Reply, para. 9 (citing *Delalić* Trial Decision of 19 January 1998, para. 20, and *Prosecutor v. Stakić*, Case No. IT097-24-PT, Provisional Order on the Standards Governing the Admission of Evidence and Identification, 25 February 2002, para. 10).

⁷² *Prosecutor v. Naletilić and Martinović*, Case No. IT-98-34-A, Appeal Judgement, 3 May 2006 (“*Naletilić* Appeal Judgement”), para. 402 (citing *Delalić* Appeal Decision of 5 March 1998, paras. 17, 20, 25).

⁷³ *Delalić* Appeal Decision of 5 March 1998, para. 17.

⁷⁴ *Ibid.*, para. 20.

⁷⁵ *Naletilić* Appeal Judgement, para. 402 (citing *Delalić* Appeal Decision of 5 March 1998, paras. 17, 20, 25).

34. Thus, the Appeals Chamber found authenticity to be a component of reliability. Tribunal jurisprudence addressing the admissibility of evidence is replete with acknowledgments that reliability is an implicit component of probative value under Rule 89(C). Oft noted is the pronouncement that “[a] piece of evidence may be so lacking in terms of the indicia of reliability that it is not ‘probative’ and is therefore inadmissible.”⁷⁶ The Appeals Chamber in *Naletilić and Martinović* defined the required showing of reliability more concretely when it stated that “[t]he implicit requirement that a piece of evidence be *prima facie* credible—that it have sufficient indicia of reliability—is a factor in the assessment of its relevance and probative value.”⁷⁷

35. In determining if a document is *prima facie* credible, the Trial Chamber will consider whether a reasonable trier of fact could find the document to be what the tendering party purports it to be. If no reasonable trier of fact could find that the document is what it purports to be, then the document is patently unreliable and does not possess the probative value required under Rule 89(C).⁷⁸

36. Contrary to the Defence assertions, a party does not need to prove the accuracy of the contents of a document as a pre-condition of admission.⁷⁹ If a document is admitted, evaluating its contents to assign each document the appropriate weight is a task for a later day, conducted document by document in the context of the totality of the evidentiary record created by the parties.⁸⁰ Ultimately, the Trial Chamber may decide to give little or no weight to the contents of any individual intercept admitted, but that determination is independent of—and distinct from—the admission.

⁷⁶ *Prosecutor v. Kordić and Čerkez*, Case No. IT-95-14/2-AR73.5, Decision on Appeal Regarding Statement of a Deceased Witness, 21 July 2000, para. 24; *Prosecutor v. Delalić, Mucić, Delić and Landžo*, Case No. IT-96-21-A, Appeal Judgement, 20 February 2001, para. 533 (stating that a pre-requisite for the admission of evidence is that it is reliable); see also *Prosecutor v. Tadić*, Case No. IT-94-1-T, Decision on Defence Motion on Hearsay, 5 August 1996, para. 15 (noting that the Tribunal’s rules implicitly require that reliability be a component of admissibility as unreliable evidence “certainly would not have probative value, and would be excluded under Sub-rule 89(C)”).

⁷⁷ *Naletilić* Appeal Judgement, para. 402 (citing *Delalić* Appeal Decision of 5 March 1998, paras. 17, 20, 25).

⁷⁸ See e.g., *Prosecutor v. Bagosora, Kabiligi, Ntabakuze and Nsengiyumva*, Case No. ICTR-98-41-T, Decision on Admission of Tab 19 of Binder Produced in Connection with Appearance of Witness Maxwell Nkole, 13 September 2004, para. 8 (explaining that authenticity and reliability are overlapping concepts in that the fact that the document is what it purports to be enhances the likely truth of the contents thereof, while if a document is not what the moving party purports it to be, the contents of the document cannot be considered reliable, or as having any probative value).

⁷⁹ See *Delalić* Trial Decision of 19 January 1998, para. 20 (noting that the reliability component of admissibility is not a binding determination as to the genuineness, authorship or credibility of the content of the evidence).

⁸⁰ See e.g., *Prosecutor v. Martić*, Case No. IT-95-11-T, Trial Judgement, 12 June 2007, para. 30 (noting that even when the Trial Chamber was satisfied of the authenticity of a particular document, it did not automatically accept the contents to be an accurate portrayal of the facts, but evaluated all evidence within the context of the trial record as a whole).

2. The Narrow Focus of the Current Inquiry

37. Guided by the rules and relevant jurisprudence outlined above, the Trial Chamber is mindful that the inquiry at this time must be narrowly focused to whether the intercepts—taken as a whole—are “*prima facie* credible.”⁸¹ Therefore, the Trial Chamber must decide whether, based on the totality of the evidence, a reasonable trier of fact could find the intercepts to be what the Prosecution purports them to be—a contemporaneous record of intercepted VRS communications. If the answer to this question is yes, then the intercepts are *prima facie* credible and—as the Trial Chamber has already found the intercepts to be relevant to the charges in the Indictment—the relatively low threshold requirements of Rules 89 and 95 are met, rendering the tendered exhibits admissible.

3. The Evidentiary Record

(a) The testimony of the intercept operators

38. The 28 intercept operator witnesses presented by the Prosecution served in different anti-electronic warfare units of the Army of Bosnia-Herzegovina (ABiH) and a unit of the State Security Services of Bosnia-Herzegovina (SDB). These included units of the ABiH 2nd Corps at both a Northern and Southern location,⁸² a unit of the ABiH 21st Division at the Northern location, a unit of the ABiH 24th Division at Živinice, and a unit of the SDB at the Northern location. Each of the intercept operators was subject to cross-examination.

39. The Trial Chamber notes that the ABiH intercepted VRS communications for the purpose of gathering intelligence. In carrying out this function, the individual intercept operators used radio equipment to eavesdrop on VRS radio communications. In general, the intercepted conversations were recorded on audiotapes and then transcribed by the operators into handwritten notebooks. The handwritten versions of the intercepted conversations were then typed onto computers so that electronic versions of the intercepted conversations could be sent to the command.

40. The Prosecution characterises the extensive testimony of the intercept operators as establishing “with near uniformity” that the intercept operators followed certain general procedures involving the detection, recording, transcription and further communication of VRS conversations.⁸³ Additionally, “as a matter of policy the intercept operators were not permitted to

⁸¹ See, *Naletelić* Appeal Judgement, para. 402.

⁸² Throughout the course of trial, various protective measures were granted to the intercept operators. Additionally, the geographical locations of the unit’s operations were not identified in open court, but were referred to as the “Northern” and “Southern” locations.

⁸³ Prosecution Submission, para. 11.

speculate about matters or add anything to the intercepted material.”⁸⁴ The Prosecution notes that the operators were “acutely mindful of the necessity for accuracy in the discharge of their responsibilities.”⁸⁵ Thus, the intercepts are at least *prima facie* reliable, and any questions regarding the “comprehensibility and completeness of the intercept evidence” are questions impacting only the weight to be accorded to individual intercepts by the Trial Chamber.⁸⁶

41. The Defence vehemently challenge the Prosecution’s characterisation of the intercept operator testimony. Beara asserts that “the lack of a set protocol within the ABiH in regards to their intercept recording techniques is detrimental, if not fatal, to the reliability of all intercept-related evidence.”⁸⁷ Beara alleges a lack of training and education among the intercept operators,⁸⁸ a lack of appropriate recording protocols,⁸⁹ a lack of voice recognition skills,⁹⁰ the use of substandard equipment⁹¹ and the presence of numerous technical difficulties.⁹² Likewise, Miletić asserts that “numerous inconsistencies and deficiencies” of the intercept operators’ testimony raise doubts as to the authenticity of the intercepts themselves.⁹³

42. In light of the parties arguments and the guiding legal principles explained above, the Trial Chamber is conscious that discrepancies exist in the testimony of the intercept operators.⁹⁴

⁸⁴ *Ibid.*, para. 12.

⁸⁵ *Ibid.*, para. 12.

⁸⁶ *Ibid.*, para. 28.

⁸⁷ Beara Response, para. 19.

⁸⁸ *Ibid.*, para. 34.

⁸⁹ *Ibid.*, paras. 35–44.

⁹⁰ *Ibid.*, paras. 45–53.

⁹¹ *Ibid.*, para. 54.

⁹² *Ibid.*, paras. 55–59.

⁹³ Miletić Response, para. 32.

⁹⁴ For example, operators followed slightly different procedures to denote unidentified speakers. *See* PW-140, T. 5346 (11 December 2006), PW-123, Ex. P02238, transcript from *Prosecutor v. Blagojević and Jokić*, Case No. IT-02-60-T (“BT”) 4045 (6 November 2006), PW-153, Ex. P02445 (confidential), para. 3, PW-153, T. 7427 (20 February 2007), PW-129, T. 5639 (10 January 2007), PW-147, Ex. P02393 (confidential), 11 May 1999, p. 3, PW-147, T. 6331 (24 January 2007), PW-157, Ex. P02440 (confidential), 7 May 1999, p. 007788116–007788117, PW-136, Ex. P02383 (confidential), p. 4, PW-148, Ex. P02387 (confidential), 21 January 2007, para. 9, PW-148, T. 6254 (23 January 2007), PW-166, Ex. P02777, p. 3, PW-132, T. 4309 (21 November 2006) (each testifying he used “X” and “Y” to denote speakers when uncertain of identities); PW-153, T. 7428 (20 February 2007), PW-123, Ex. P02238, BT. 4045 (6 November 2006) (each testifying he used “1” and “2” to denote speakers when uncertain of identities); PW-134, Ex. P02356 (confidential), p. 4 (testifying he used “X” and “Y” inside brackets to denote speakers when uncertain of identities). As another example, operators also followed varying procedures regarding whether to include the date with transcribed conversations. *See* PW-150, T. 6274 (23 January 2007), PW-152, T. 6346 (24 January 2007) (each testifying it was standard procedure at his location to note the date and or time in the notebook alongside the transcribed conversation); PW-149, T. 6038–6039 (18 January 2007) (testifying it was standard procedure at his location to note the date and or time in the notebook alongside the transcribed conversation); PW-132, T. 4350 (22 November 2006), T. 4534 (private session) (24 November 2006) (testifying that it was not standard procedure in his location to include the date or time in the notebook alongside the transcribed conversation, but that some operators chose to do so anyway); PW-129, T. 5669 (10 January 2007) (testifying that at his location the date was recorded in the notebook at the beginning of each day or shift and was not required to be written again); PW-140, T. 5351 (11 December 2006) (testifying that at his location the date should have been written everyday, but acknowledging this was not always done). As a final example, not all operators used the same symbols to indicate

However, as other Chambers of the Tribunal have noted, it is reasonable to expect discrepancies and inconsistencies in the testimony of witnesses discussing the same events.⁹⁵ Indeed, it would be unusual not to observe discrepancies ranging through the testimony of 28 different witnesses regarding events occurring twelve years ago.

43. The Trial Chamber is not persuaded that any discrepancies or inconsistencies in the testimony of the intercept operators rise to such a level as to require a finding that the intercepts as a whole are not *prima facie* credible. On the contrary, the Trial Chamber finds that the evidence of the intercept operators was consistent regarding the core functions they were carrying out. They wrote only what they heard and could understand and they did not add material to the conversations or analyse them for meaning.⁹⁶ They did not guess, but identified participants only when the participants identified themselves or when the operators believed they recognised the participant's

that a word or phrase was inaudible. See PW-140, T. 5321 (11 December 2006) (testifying he inserted a question mark if he was unsure of a word and inserted a series of dots if he could not understand one, two or three words); PW-166, Ex. P02777, p. 3, PW-123, Ex. P02238, BT. 4044 (6 November 2006), PW-123, T. 5881 (16 January 2007), PW-123, Ex. P02236, transcript from *Prosecutor v. Krstić*, Case No. IT-98-33-T ("KT") 4400 (21 June 2000), PW-157, Ex. P02439 (confidential), KT. 4495 (closed session) (22 June 2000) (each testifying he inserted three dots to indicate he could not understand a word); PW-132, T. 4283 (21 November 2006), PW-137, T. 5376 (12 December 2006), PW-134, Ex. P02356 (confidential), p. 4, PW-147, Ex. P02393 (confidential), 11 May 1999, p. 3, PW-136, T. 6213-6214, 6232 (23 January 2007), Ex. P02383 (confidential), p.3 (each testifying he inserted a series of dots to indicate he could not understand a word); PW-136, T. 6213-6214, 6232 (23 January 2007) Ex. P02383 (confidential), p.3 (testifying he inserted an asterisk to indicate he could not understand a word); PW-147, Ex. P02393 (confidential), 11 May 1999, p. 3 (testifying he inserted a line to indicate he could not understand a word); PW-133, Ex. P02333 (confidential), BT. 4137 (11 November 2003) (testifying he inserted brackets and a question mark to indicate he could not understand a word); PW-130, T. 5036 (5 December 2006) (testifying he inserted "unrecognisable" in parenthesis to indicate more than three words were inaudible); PW-150, T. 6277 (23 January 2007), PW-157, Ex. P02439 (confidential), KT. 4545 (closed session) (22 June 2000) (each testifying he inserted "audibility poor" "interference" or "cannot makeout" to indicate more than three words were inaudible); PW-153, Ex. P02445, para. 3 (confidential), T. 7427 (20 February 2007) (testifying he inserted "inaudible" in brackets to indicate radio interference rendered a portion of conversation inaudible); PW-147, T. 6328 (24 January 2007) (testifying he inserted "jamming" or "scrambling" in brackets to indicate radio interference rendered a portion of conversation inaudible).

⁹⁵ See e.g., *Delalić* Appeal Judgement, para. 496 (noting the near impossibility of witnesses being able to recount events in exactly the same detail and manner on every occasion and finding that inconsistency is a relevant factor in assessing weight but need not be a basis for finding testimony unreliable); *Prosecutor v. Kupreškić, Kupreškić, Kupreškić, Josipović and Santic*, Case No. IT-95-16-A, Appeal Judgement, 23 October 2001, para. 31; *Prosecutor v. Blagojević and Jokić*, Case No. IT-02-60-T, Trial Judgement, 17 January 2005, para. 23.

⁹⁶ PW-131, T. 4591-4592 (27 November 2006); PW-123, Ex. P02236, KT. 4400 (21 June 2000); PW-130, T. 5036 (5 December 2006); PW-133, Ex. P02333 (confidential), BT. 4138 (11 November 2003); PW-150, T. 6277 (23 January 2007); PW-153, T. 7423 (20 February 2007); PW-158, T. 8358-8359, 8410-8412 (7 March 2007); PW-132, T. 4307, 4503-4504 (private session) (24 November 2006); PW-134, Ex. P02356 (confidential), p. 4; PW-135, T. 5993 (17 January 2007); PW-137, T. 5390 (12 December 2006); PW-140, T. 5319-5320 (11 December 2006); PW-147, Ex. P02393 (confidential), p. 3 (11 May 1999); PW-157, T. 7191 (9 February 2007), Ex. P02439 (confidential), KT. 4496 (closed session) (22 June 2000); PW-136, Ex. P02383 (confidential), p. 2, 5; PW-166, Ex. P02777, p. 3 (20, 26 April 2007); PW-144, Ex. P02372 (confidential), para. 7 (20 January 2007); PW-145, Ex. P02430 (confidential), p. 2-3 (6-7 February 2007); PW-146, Ex. P02380 (confidential), para. 7 (20-21 January 2007).

voice or other identifying features.⁹⁷ The Trial Chamber considers that the intercept operators understood their jobs to be important and took their duties seriously.

44. The Trial Chamber finds one additional aspect of the intercept operators' testimonies to be of importance in light of the specific Defence challenges to the admissibility of the intercepts. The Prosecution showed the handwritten notebooks to the intercept operators, who identified their own handwriting and testified that they transcribed the conversations into the notebooks.⁹⁸

45. In sum, the evidence of the intercept operators supports a conclusion that the documents are a contemporaneous record of intercepted VRS communications.

(b) The testimony of Stefanie Frease

46. From April 1995 to July 2000, Stefanie Frease worked for the Office of the Prosecutor, assigned to the "Srebrenica" investigation.⁹⁹ She testified as to the Prosecution's acquisition of various materials relating to the intercepts, including handwritten notebooks, audio-tape recordings, electronic data of the intercepts typed onto computers, and printouts of the electronic versions. She also detailed for the Trial Chamber the Prosecution's investigation of those materials.

47. In March 1998, the Office of the Prosecutor first began to acquire what would eventually become a fairly large volume of intercept related materials, received in many different batches.¹⁰⁰ From the beginning, Frease was involved in—and supervised—the processing of this material,

⁹⁷ PW-131, T. 4590–4591 (27 November 2006); PW-123, Ex. P02238, BT. 4043 (6 November 2006); PW-130, T. 5033–5034 (5 December 2006); PW-133, T. 5556 (14 December 2006); PW-150, T. 6276–6277 (23 January 2007); PW-151, Ex. P02363 (under seal), p. 3; PW-154, T. 8335 (6 March 2007); PW-129, T. 5709–5710, 5639 (11 January 2007); PW-132, T. 4450 (24 November 2006); PW-134, Ex. P02356 (confidential), p. 3; PW-135, Ex. P02359 (confidential) p. 3 (12 May 1999); PW-137, T. 5378 (12 December 2006); PW-140, T. 5318–5319 (11 December 2006); PW-147, T. 6330 (24 January 2007); PW-157, Ex. P02440 (confidential) p. 007788116–007788117 (7 May 1999); PW-136, Ex. P02383 (confidential), p. 3, 4; PW-166, Ex. P02777, p. 3 (20, 26 April 2007); PW-128, T. 6141 (22 January 2007); PW-145, Ex. P02430 (confidential), p. 3 (6–7 February 2007); PW-146, T. 6202 (22 January 2007).

⁹⁸ PW-131, Ex. P02309 (confidential), KT. 8843–8844 (closed session) (21 March 2001); PW-123, Ex. P02238, BT. 4048 (6 November 2006); PW-130, T. 5064 (5 December 2006); PW-133, Ex. P02333 (confidential), BT. 4138 (11 November 2003); PW-133, Ex. P02333 (confidential), BT. 4166 (11 November 2003); PW-150, T. 6270–6271, 6282–6284 (23 January 2007); PW-151, T. 6008, 6010–6011 (17 January 2007); PW-152, Ex. P02395 (confidential), para. 7–8 (24 January 2007); PW-153, T. 7408–7409 (20 February 2007); PW-154, T. 8335 (6 March 2007); PW-124, T. 5767 (11 January 2007); PW-129, T. 5633 (10 January 2007); PW-132, T. 4353–4354 (22 November 2006); Ex. P02308 (confidential), p. 88; PW-134, T. 5926 (16 January 2007); Ex. P02356 (confidential), p. 5; PW-135, T. 5983–5986 (17 January 2007); PW-137, T. 5377 (12 December 2006). According to PW-137, P01370 does not include his handwriting. PW-137, T. 5377 (12 December 2006). In particular, PW-137 stated that he recognized his handwriting in the transcription of two conversations recorded in a handwritten notebook which was shown to him in an earlier interview on 16 November 1999. PW-137, Ex. P02325 (confidential), 16 November 1999, p. 3. (now P01219 and P01220); PW-140, T. 5297 (11 December 2006); PW-147, T. 6320 (24 January 2007); PW-157, T. 7166 (9 February 2007); PW-136, T. 6220–6221 (23 January 2007); PW-148, T. 6248–6249 (23 January 2007); PW-166, T. 10676 (27 April 2007), Ex. P02777, p. 3 (20 and 26 April 2007).

⁹⁹ Stefanie Frease, T. 6085–6086 (19 January 2007).

¹⁰⁰ Stefanie Frease, T. 6087–6088 (19 January 2007).

working closely with it for approximately two years.¹⁰¹ She put together a small team of interpreters and language assistants and established a system for tracking the material in a searchable and reliable manner.¹⁰² A database was established to help make connections between the various versions of the intercepts, and military analysts were also consulted in order to relate the intercepts to other information that the investigators collected.¹⁰³

48. According to Frease, one of the objectives of investigating the intercepts was determining their reliability and authenticity.¹⁰⁴ In this process, the team examined computerised printouts of the intercepts, the original handwritten notebooks in which the intercepts were recorded, and some audio-recordings.¹⁰⁵ Frease compared electronic versions of the intercepts received from the ABiH with the earlier received printed reports.¹⁰⁶ In this comparison, Frease did not find “any differences between the two, other than text missing that was at the bottom or at the top of the printouts.”¹⁰⁷ She also compared the electronic versions to the original notebook transcriptions of the intercepts. She found that the electronic versions “substantially conform to the original notebooks.”¹⁰⁸

49. While investigating the reliability of the intercepts, the investigators identified and interviewed approximately 15 of the intercept operators who had intercepted the conversations which the investigators found most important.¹⁰⁹ The investigators considered the procedures used by the intercept operators, and this bolstered the investigators’ confidence in the reliability of the intercepts.¹¹⁰ Additionally, the investigators were also able to compare conversations that were the same, but had been intercepted at and reported from different locations.¹¹¹

50. Frease testified that in examining the handwritten intercepts, the investigators discovered instances of “cross-outs”, places where different types of ink were used, and places where different handwriting appeared.¹¹² No attempt was made to ascertain when such modifications were made to

¹⁰¹ Stefanie Frease, T. 6088 (19 January 2007).

¹⁰² Stefanie Frease, T. 6088 (19 January 2007).

¹⁰³ Stefanie Frease, T. 6089 (19 January 2007).

¹⁰⁴ Stefanie Frease, T. 6089–6090 (19 January 2007).

¹⁰⁵ Stefanie Frease, T. 6090 (19 January 2007).

¹⁰⁶ Stefanie Frease, T. 6383 (25 January 2007).

¹⁰⁷ Stefanie Frease, T. 6374 (25 January 2007).

¹⁰⁸ Stefanie Frease, T. 6374, 6384 (25 January 2007).

¹⁰⁹ Stefanie Frease, T. 6387 (25 January 2007).

¹¹⁰ Stefanie Frease, T. 6388–6389 (25 January 2007).

¹¹¹ Stefanie Frease, T. 6385 (25 January 2007).

¹¹² Stefanie Frease, T. 7853 (27 February 2007).

the documents.¹¹³ The investigators discussed such modifications with the intercept operators and concluded that changes were made by the operators “as they went along.”¹¹⁴

51. During cross-examination, Frease also testified to several things that were not done during the investigation of the intercepts. She stated that in her review of the notebooks, she noticed a very small number of occasions where dates were written in handwriting that did not appear to correspond to the handwriting of the intercept operator recording the conversation.¹¹⁵ She conceded that “in an ideal world”, it might have been better for her to have completed an analysis of the “shortcomings” of individual notebooks.¹¹⁶ However, this was not done because of the large volume of materials with which she was working.¹¹⁷ Asked why the investigation did not involve hiring a third party, such as a forensic handwriting expert, to assess the reliability or authenticity of the intercepts, Frease testified, “It just wasn’t [...] something that [...] occurred to us, no.”¹¹⁸

52. Frease also conceded that she had no direct personal knowledge of what occurred with the various intercept materials prior to the time they were turned over to the Office of the Prosecutor.¹¹⁹ Moreover, Frease acknowledged that the investigators were aware of the possibility that the intercepts were tampered with or fabricated, stating, “We were certainly aware, yes, very attentive, to that possibility.”¹²⁰ She noted that the investigators

had many doubts about this material when we first picked it up. We didn’t know [...] whether it was authentic. And it was only through going through the process over and over and over again and cross-referencing it and cross-referencing it over a period of years that we gained the confidence of the contents, the authenticity, and the reliability of the material.¹²¹

Ultimately, Frease testified that she never came across any intercept that caused her to have serious questions about the authenticity or reliability of the intercepts as a whole.¹²²

53. Considering Frease’s evidence in the context of the evidentiary record on this issue, the Trial Chamber is persuaded that the minor discrepancies the Prosecution investigators identified in

¹¹³ Stefanie Frease, T. 7853 (27 February 2007).

¹¹⁴ Stefanie Frease, T. 7854 (27 February 2007).

¹¹⁵ Stefanie Frease, T. 8063–8064 (2 March 2007).

¹¹⁶ Stefanie Frease, T. 8063–8064 (2 March 2007).

¹¹⁷ Stefanie Frease, T. 8064 (2 March 2007).

¹¹⁸ Stefanie Frease, T. 8073–8074 (2 March 2007).

¹¹⁹ Stefanie Frease, T. 7881 (27 February 2007). Asked specifically about where the materials were between 1995 and 1998, she stated, “My recollection of the path that the notebooks took was that [...] when they were picked up from the various sites, they were taken to the location where the commander at the time had his office. And then when he moved offices, they were taken with him there, which is where they were found at the northern site.” Stefanie Frease, T. 8195 (5 March 2007).

¹²⁰ Stefanie Frease, T. 8121 (2 March 2007). *See also* 7820–7821 (27 February 2007).

¹²¹ Stefanie Frease, T. 8200 (5 March 2007).

the handwritten notebooks do not demonstrate that the intercepts as a whole are not *prima facie* credible. Nevertheless, Frease's testimony that the intercepts are authentic and reliable—while corroborative of the testimony of the intercept operators—is certainly not dispositive to the Trial Chamber's inquiry. Rather, it constitutes but one part of the evidence considered by the Trial Chamber in reaching its conclusion on admissibility.

(c) The testimony of Đuro Rodić

54. Đuro Rodić is an expert in radio relay communications.¹²³ During the period of 1992–1995, Rodić served in the communications administration of the General Staff of the Yugoslav army.¹²⁴ In this capacity, he twice visited the territory of Republika Srpska; first in 1994, to restore the radio relay path between Cer and Veliki Žep, and again in mid-August 1995, when he toured all the radio relay nodes and the most important radio relay stations.¹²⁵

55. Rodić described that his task in this case “was to assess the possibility of interception of radio communications of the [VRS] along radio relay paths of Vlasenica-Veliki Žep-Cer-Gučevo and Zvornik.”¹²⁶ In explaining why this particular route¹²⁷ was chosen, Rodić explained that

according to the diagram of the radio communications of the Drina Corps, it was along that route that radio relay communications took part of the Drina Corps, which was headquartered in Vlasenica. Their communications with the Zvornik Brigade and Bratunac Brigade. Moreover, communications could be set with the superior command or, rather, the Main Staff of the [VRS].¹²⁸

56. Rodić opined that the ABiH had “amateur equipment of the 1990 generation”, but, as a rule the ABiH was able to intercept VRS RRU-1¹²⁹ and RRU-800¹³⁰ transmissions at both the Northern and Southern locations.¹³¹ In his analysis, Rodić considered only the possibility of interception of communications transmitted by an RRU-800 device as he was unable to obtain the necessary data in

¹²² Stefanie Frease, T. 7818 (27 February 2007).

¹²³ Đuro Rodić, T. 12060 (24 May 2007).

¹²⁴ Đuro Rodić, T. 12063–12064 (24 May 2007).

¹²⁵ Đuro Rodić, T. 12064–12065 (24 May 2007).

¹²⁶ Đuro Rodić, T. 12066 (24 May 2007).

¹²⁷ A radio relay route includes several devices and points, such as the route from Vlasenica to Veliki Žep to Cer to Gučevo to Zvornik. A radio relay path exists between two points such as, for example, the path between Vlasenica – Veliki Žep. Đuro Rodić, T. 12097 (24 May 2007).

¹²⁸ Đuro Rodić, T. 12066 (24 May 2007).

¹²⁹ The RRU-1 is an analog, single channel radio relay device operating in a frequency range of 235 to 270 megahertz which contains a multiplex part and is portable enough to be carried by a single soldier. Đuro Rodić, T. 12068 (24 May 2007).

¹³⁰ The RRU-800 is a multi-channel radio relay device with a capacity of 4 or 12 or 24 telephone channels, operating in a frequency range of 610 to 960 megahertz which needs the support of a multiplex device and is “intended for a stationary radio relay system”. Đuro Rodić, T. 12068 (24 May 2007).

¹³¹ Đuro Rodić, T. 12069 (24 May 2007).

order to analyse communications carried out by RRU-1 devices.¹³² Rodić did not analyse the use of SMC-1306-B devices,¹³³ nor did he consider the possibility of interception using mobile communications equipment.¹³⁴ Rodić testified that a map used earlier in trial during the testimony of PW-131 appeared to accurately track the SMC device path Veliki Žep to Cer.¹³⁵ Rodić testified that he did not see this map prior to completing his expert report.¹³⁶

57. According to Rodić, the Vlasenica – Veliki Žep path could not have been intercepted from either the Northern or Southern locations because Vlasenica does not have either optical visibility¹³⁷ or radio visibility¹³⁸ in relation to either facility.¹³⁹ Additionally, Zvornik does not have radio or optical visibility from either facility.¹⁴⁰

58. Based on his review of ABiH 2nd Corps documents, Rodić analysed the orientation of the antennas at both the Northern and Southern facilities.¹⁴¹ He found the orientation to be “quite unfavourable” except in two instances; Veliki Žep – Vlasenica for the northern location, and Cer-Gučevo for the southern location.¹⁴² According to Rodić, his analysis showed that only the radio relay path Veliki Žep – Vlasenica could have been intercepted with any quality.¹⁴³ In the other cases he analysed, there was either no signal, or very poor reception “with a high level of noise and a very low level or intelligibility.”¹⁴⁴

59. Based on a document from 1993, Rodić described four known frequencies that were used on the path Vlasenica – Veliki Žep.¹⁴⁵ According to Rodić, none of the conversations analysed from the ABiH documents he reviewed could have taken place on the Vlasenica – Veliki Žep path,

¹³² Đuro Rodić, T. 12067 (24 May 2007).

¹³³ Đuro Rodić, T. 12067 (24 May 2007)..

¹³⁴ Đuro Rodić, T. 12114 (24 May 2007).

¹³⁵ Đuro Rodić, T. 12129 (24 May 2007). Ex. P01468, “Map showing radio relay lines and command posts of units of the VRS”.

¹³⁶ Đuro Rodić, T. 12459 (12 June 2007).

¹³⁷ Optical visibility means “that when one looks at the land profile and the curves of the land, there are no obstacles along that route, so that if one were able to see with the naked eye, one would have to be able to stand at the elevation where the intercepting signal is and see the antenna of the radio relay device broadcasting the signal.” Đuro Rodić, T. 12072 (24 May 2007).

¹³⁸ Radio visibility is “an even stricter criterion [than optical visibility] because the spreading of electro-magnetic waves does not take place only along a single line. It has to go through a wider area which has to be free in order for reception to be of high quality”. Đuro Rodić, T. 12072–12073 (24 May 2007).

¹³⁹ Đuro Rodić, T. 12073 (24 May 2007).

¹⁴⁰ Đuro Rodić, T. 12073 (24 May 2007). Rodić explained: “This is the principle governing radio relaying. The energy between these two points is transmitted as an ellipsoid. The area within the ellipsoid must be free. This is called the first Fresnel [phoen] zone, a free zone.” Đuro Rodić, T. 12096 (24 May 2007).

¹⁴¹ Đuro Rodić, T. 12074 (24 May 2007).

¹⁴² Đuro Rodić, T. 12075 (24 May 2007).

¹⁴³ Đuro Rodić, T. 12075 (24 May 2007).

¹⁴⁴ Đuro Rodić, T. 12075 (24 May 2007).

¹⁴⁵ Đuro Rodić, T. 12087 (24 May 2007).

because none of the conversations purportedly took place on any of these known frequencies.¹⁴⁶ Nor, for the same reason, could any of the analysed conversations have been intercepted along the route Zvornik – Gučevo.¹⁴⁷ Nor could any of the conversations have been intercepted along the route Veliki Žep – Cer, because this path used the SMC-1306 B device, which has a much higher frequency range than the RRU-800 or RRU-1.¹⁴⁸ According to Rodić's analysis of the ABiH documentation, the ABiH had no equipment that could intercept such frequencies, nor did he find any annotations in the documentation purporting to show such interception.¹⁴⁹ Although there was an RRU-800 path available on this route as a backup, Rodić testified that the SMC path was the active path in mid-August 1995 when he accompanied a team to Veliki Žep.¹⁵⁰

60. Rodić noted that the ABiH documentation he reviewed indicates that the Northern and Southern locations combined intercepted conversations on a total of sixteen different frequencies.¹⁵¹ According to Rodić, this was impossible [if the communications were intercepted from the path Vlasenica – Veliki Žep] because conversations could only have been listened to on two frequencies along this route.¹⁵²

61. Ultimately, the Trial Chamber understands the Defence to be asserting that Rodić's evidence proves the intercepts cannot be a contemporaneous record of intercepted VRS communications because it was scientifically impossible for the ABiH to have intercepted all the analysed conversations using the frequencies alleged on the face of the intercepts.

62. However, as the Prosecution highlighted in cross-examining Rodić and in its Reply, Rodić's conclusions pertain—at best—to less than half of the 213 intercepts.¹⁵³ Moreover, with regard to this subset of the intercepts, the Prosecution asserts that certain flawed assumptions underlie the heart of Rodić's analysis. First, that Rodić conceded the intercepts he analysed could have originated from radio relay paths other than the one which he analysed.¹⁵⁴ Second, that the frequencies listed on the face of the intercepts demonstrate that the 1993 VRS document upon

¹⁴⁶ Đuro Rodić, T. 12088 (24 May 2007).

¹⁴⁷ Đuro Rodić, T. 12088 (24 May 2007).

¹⁴⁸ Đuro Rodić, T. 12088 (24 May 2007). Rodić could not say with any certainty whether any of the conversations he analysed could have been intercepted along the Cer – Gučevo radio relay path, because this path used an RRU-800 device, for which he was unable to determine the frequency. Đuro Rodić, T. 12090 (24 May 2007).

¹⁴⁹ Đuro Rodić, T. 12088 (24 May 2007).

¹⁵⁰ Đuro Rodić, T. 12090 (24 May 2007).

¹⁵¹ Đuro Rodić, T. 12091 (24 May 2007).

¹⁵² Đuro Rodić, T. 12091 (24 May 2007).

¹⁵³ Đuro Rodić, T. 12474 (12 June 2007). *See also supra* para. 24.

¹⁵⁴ Prosecution Reply, paras. 45–46, 58–59.

which Rodić relied was incomplete and that the VRS changed the frequencies used on the route Vlasenica-Veliki Žep-Cer-Gučevo-Zvornik between 1993 and 1995.¹⁵⁵

63. The Trial Chamber notes that Rodić testified that he could only state that the intercepts he analysed were not intercepted on the known frequencies between Vlasenica and Veliki Žep and that he “did not analyse the broader radio relay network.”¹⁵⁶ Rodić was asked whether his report excludes the possibility that the intercepts he analysed could be genuine and could have originated from a different radio relay route than the route Vlasenica – Veliki Žep – Cer – Gučevo – Zvornik, the only route he analysed.¹⁵⁷ Rodić answered “I did not analyse that, so I cannot confirm, and I cannot rule out the possibility.”¹⁵⁸

64. Rodić was also asked whether the plan of 1993 VRS frequencies upon which he based his analysis could have been modified between 1993 and 1995. He explained that in his experience, such a plan of frequencies was based on a stationary system and was modified “very rarely” as such a modification would be quite complex and “would have called for the harmonisation and changes in the plan of frequencies in western Serbia.”¹⁵⁹ Additionally, Rodić believed that any such modification would have been unnecessary as confidential information could have been transmitted in encrypted telegrams.¹⁶⁰ Nevertheless, Rodić conceded that he analysed no documents purporting to demonstrate that the frequencies in use by the VRS in 1995 were the same as the frequencies in operation in 1993.¹⁶¹

65. The Trial Chamber finds Đuro Rodić’s conclusions less than compelling. At best, his conclusions apply to less than half of the intercepts.¹⁶² Moreover, with regard to those which he analysed, Rodić conceded that he could not exclude the possibility they were genuine. And as the Prosecution notes, the frequencies listed on the intercepts themselves directly contradict the frequency information of the 1993 VRS document upon which Rodić so heavily relied.¹⁶³

¹⁵⁵ *Ibid.*, paras. 49–55, 68–69.

¹⁵⁶ Đuro Rodić, T. 12500–12501 (12 June 2007).

¹⁵⁷ Đuro Rodić, T. 12458 (12 June 2007).

¹⁵⁸ Đuro Rodić, T. 12501 (12 June 2007).

¹⁵⁹ Đuro Rodić, T. 12092 (24 May 2007).

¹⁶⁰ Đuro Rodić, T. 12092 (24 May 2007).

¹⁶¹ Đuro Rodić, T. 12458 (12 June 2007).

¹⁶² *See supra*, paras. 24, 62.

¹⁶³ Prosecution Reply, paras. 49–53, 68–69. The Trial Chamber has considered Miletić’s reference to Ex. 5D00189, “Information Report [of Stefanie Frease]”, which appears to contain a statement made in 1998 by an ABiH intercept operator—who did not testify at trial—that the VRS “never changed their operating frequencies.” Miletić Response, para. 23. *See also* Popović Response, para. 30 (noting the same statement). Considered in the context of all the evidence presented, this document does not change the Trial Chamber’s conclusion that the Prosecution has established that the intercepts as a whole are *prima facie* credible.

4. Remaining Defence Arguments

(a) Chain of custody

66. In challenging the reliability of the intercepts, each of the Accused challenges the chain of custody of the various intercept materials. Stefanie Frease acknowledged she could not directly account for the whereabouts of the intercept materials between July 1995 and their subsequent acquisition by the Prosecution. Beara calls this gap between 1995 and 1998 “a complete lack of any legally sufficient chain of custody.”¹⁶⁴

67. The Trial Chamber recalls that it was presented extensive evidence regarding the whereabouts of the handwritten notebooks between 1995 and 1998 from the officer commanding the ABiH 2nd Corps units at both the Northern and Southern locations.¹⁶⁵ It also bears repeating that the intercept operators that testified at trial identified their own handwritten transcriptions, made contemporaneous to the events in question. The Trial Chamber recalls that Stefanie Frease compared electronic versions of the intercepts received from the ABiH with the earlier received printed reports and did not find substantive differences.¹⁶⁶ Additionally, Frease found that the electronic versions substantially conform to the handwritten notebooks.¹⁶⁷

68. Considering the evidentiary record, the Trial Chamber is not persuaded that there is any deficiency in the chain of custody of the intercept materials that demonstrates the intercepts are not *prima facie* credible.¹⁶⁸

(b) Fabrication of the intercepts

69. Miletić states that the intercept materials were in the custody of BiH authorities and it is possible that the materials were “modified, tampered with, or simply produced after the war.”¹⁶⁹ Popović appears to be claiming the intercepts are an outright fabrication by BiH authorities. Citing various discrepancies and detailing the “delayed surrender of intercept evidence” to the Prosecution, Popović asserts

¹⁶⁴ Beara Response, para. 60(h).

¹⁶⁵ PW-131, Ex. P02309 (confidential), KT. 8836, 8838–8844, 8847–8848, 8853–8855, 8859–8862, 8871 (closed session) (21 March 2001).

¹⁶⁶ Stefanie Frease, T. 6374 (25 January 2007).

¹⁶⁷ Stefanie Frease, T. 6374, 6384 (25 January 2007).

¹⁶⁸ For similar reasons, the Trial Chamber rejects Miletić’s argument that the lack of official seals on the printed intercept reports renders the intercepts inadmissible. Miletić Response, paras. 40–42. The Trial Chamber does not wish to be misunderstood as having imposed any burden of proof on the Accused with regard to the admissibility of the intercepts. The Trial Chamber is conscious that the Prosecution is always required to demonstrate that its evidence is admissible.

¹⁶⁹ Miletić Response, para. 54.

that the "intercept collection" of the Prosecution is not authentic. It is the position of the Defence that ABiH had not at the relevant time either notebooks, printouts, diskettes or any material related to Srebrenica 1995. This also clearly explains the nearly three to five years period of time between the Srebrenica events and handover of notebooks, printouts and diskettes.¹⁷⁰

Questioning why intercept materials were not turned over to the Prosecution until 1998, despite earlier investigative requests, Popović asserts "that such an approach was taken because the process of creating of intercept materials was not completed yet or [BiH authorities] worried about closer inquiry of authenticity of such material."¹⁷¹ In his sur-reply, Popović continues in this vein when he states that the Prosecution Reply "might lead to the conclusion that BiH authorities obstruct the justice by retaining evidence harmful for their interests."¹⁷²

70. In the context of the evidence presented to the Trial Chamber, the notion that the intercepts are a massive fraud foist on the Tribunal by BiH authorities cannot reasonably be sustained in the absence of evidentiary support.¹⁷³

(c) Lack of audio recordings

71. Nikolić also challenges the reliability of the tendered exhibits noting that the Prosecution has produced audio recordings of only some conversations and failed to disclose whether it possesses audio recordings of any of the remaining 213 intercepts. Without the disclosure of such recordings, Nikolić claims, the intercepts are inadmissible and tendering them violates the best evidence rule.¹⁷⁴ In its Reply, the Prosecution affirms that it possesses no audio recordings for any of the intercepted conversations beyond those which have been tendered.¹⁷⁵

72. Nikolić asserts that intercepts without audio recordings cannot be admitted "unless the conversation purported to have taken place is recognized and confirmed by a witness who: (a) Was a party to the conversation which was intercepted; or (b) Was present and heard the parties or one of them speaking."¹⁷⁶ As every single intercept operator personally listened to the conversations that he transcribed, Nikolić must be referring to actual physical proximity and the ability to hear the conversation without the aid of electronic equipment. Thus, Nikolić is essentially asserting that intercepted communications—by definition—can never be admissible evidence. This argument is

¹⁷⁰ Popović Response, para. 61.

¹⁷¹ *Ibid.*, para. 73.

¹⁷² Popović Sur-Reply, para. 4.

¹⁷³ Here again, the Trial Chamber does not wish to be misunderstood as having imposed any burden of proof on the Accused. *See supra* note 168.

¹⁷⁴ Nikolić Response, para. 34.

¹⁷⁵ Prosecution Reply, para. 17.

¹⁷⁶ Nikolić Response, para. 44.

without merit. The Trial Chamber notes that Nikolić's claim is belied by the practice of previous Trial Chambers which admitted intercepts with no reference to such a "test"—at times without even hearing from the individual operators that heard and transcribed the intercepts.¹⁷⁷

73. Moreover, the best evidence rule—as often described at the Tribunal—means nothing more than that a Chamber will expect the parties to adduce the best evidence available under the circumstances.¹⁷⁸ Given the mass of documents produced, the Prosecution's efforts to identify and call each of the intercept operators in this case, and the extensive testimony of Stefanie Frease regarding the Prosecution's acquisition and investigation of the intercept related materials, the Prosecution appears to have adduced the best evidence available under the circumstances. Accordingly, the Trial Chamber is not persuaded that the lack of audio recordings on its own demonstrates that the intercepts are not *prima facie* credible.

5. The Final Determination of Relevance and Probative Value

74. As the Trial Chamber noted above, the inquiry at this time does not concern the accuracy of the contents of any individual intercept or to what extent those contents support the charges in the Indictment.¹⁷⁹ To the extent that a significant portion of each of the Defence responses focuses on the accuracy, comprehensibility or consistency of individual intercepts, the pleadings are largely non-responsive to the actual inquiry before the Trial Chamber—whether the Prosecution has demonstrated that the intercepts as a whole are *prima facie* relevant and probative.

75. The Trial Chamber is conscious of the fact that there are discrepancies between some of the original handwritten versions of the intercepts and the electronically typed versions, and that some of the handwritten versions lack specific dates. The Trial Chamber recognises that several of the conversations are incomplete and that for many of them one or more of the participants is unidentified. The Trial Chamber understands that intercept operators who believed they could recognise the voices of certain participants were basing that belief on prior experience with a voice and not with a specifically known individual.

76. In sum, the Trial Chamber acknowledges that the Defence vehemently challenges the accuracy of the Prosecution's interpretation of the contents of the intercepts. Such challenges will

¹⁷⁷ See e.g., *Blagojević* Intercept Decision; *Prosecutor v. Krstić*, Case No. IT-98-33-T, Trial Judgement, 2 August 2001, para. 48; *Prosecutor v. Milošević*, Case No. IT-02-54-T, Final Decision on the Admissibility of Intercepted Communications, 14 June 2004.

¹⁷⁸ See e.g., *Prosecutor v. Delić*, Case No. IT-04-83-T, Decision Adopting Guidelines on the Admission and Presentation of Evidence and Conduct of Counsel in Court, 24 July 2007, para. 31 (noting that what will be considered the best evidence will depend on the particular circumstances attached to each document, the complexity of the case, and the preceding investigations).

¹⁷⁹ See *supra*, para. 36.

play an important role in assessing the ultimate weight—if any—to be accorded the contents of each individual intercept. However, the time for such an assessment is not now.

77. The Trial Chamber acknowledges that ultimately it will have to make a final determination as to the relevance and probative value of each individual intercept. This determination will include a further consideration of all evidence bearing on reliability and authenticity. As the Appeals Chamber recently noted in a similar context, “[w]hile a trier of fact may legitimately decide not to admit evidence where it is so patently unreliable that it can have no probative value, such an assessment is appropriately done after the conclusion of the case.”¹⁸⁰ Only at the conclusion of this case will the Trial Chamber finally be in a position to consider all the evidence in context and apply the evidentiary burden borne by the Prosecution at that stage of the proceedings.

V. CONCLUSION

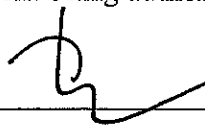
78. In light of the evidence presented, the Trial Chamber finds that the Prosecution has established that the intercepts as a whole are *prima facie* relevant and probative. Accordingly, the requirements of Rules 89 and 95 have been met, and the tendered exhibits will be admitted.

VI. DISPOSITION

79. For the foregoing reasons, the Trial Chamber hereby **ORDERS**:

- (a) The Prosecution is granted leave to file a reply.
- (b) Popović is granted leave to file a sur-reply.
- (c) Leave is granted to each of the parties to exceed the word limitations of the *Practice Direction on the Length of Briefs and Motions*, dated 16 September 2005.
- (d) The tendered exhibits currently marked for identification listed in Appendix I are admitted.

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



 Judge O-Gon Kwon

Dated this seventh day of December 2007
 At The Hague
 The Netherlands

[Seal of the Tribunal]

¹⁸⁰ *Prosecutor v. Brdanin*, Case No. IT-99-36-A, Appeal Judgement, 3 April 2007, para. 40.

APPENDIX I

P02233; P02234; P02239; P02243; P02244; P02246; P02247; P02248; P02250; P02251; P02252; P02253; P02255; P02242; P02127; P02249; P02254; P01164b; P01164d; P01164e; P02308; P02312; PIC00040; PIC00041; PIC00042; 1DP01163e; 5D00131; 1D00082; 1D00083; 1D00086; 1D00093; 1D00094; P01357c; P01357b; P01357a; P01395a; P01395d; P01395c; P01395f; P02315; P02316; P01138a; P01138c; P01138d; P01138e; P01392b; P01392a; P01392c; P01395b; P01138b; P02320; P02323; P02328; P02329; P02330; P01161c; P02327c; P02327d; P01183d; P01183e; P01214d; P01214e; P01215c; P01215e; P01219b; P01219e; P01220b; P01220e; P01229e; P01229f; P01238a; P01238b; P01238c; P01257a; P01257d; P01266a; P01266d; P01291a; P01291c; P01291d; P01294e; P01307b; P01307d; P01183c; P01214c; P02327a; P01219a; P01220a; P01257a; P01257d; P01266d; P01307a; P02331; P01161a; P01215a; P01229a; P01385c; 01385d; P01387g; P02336; P02332; P01179h; P01179e; P01385b; 01385a; P01091a; P01091b; P01091c; P01166a; P01166b; P01166c; P01166d; P01170a; P01170b; P01170c; P01171a; P01171b; P01171c; P01171d; P01180a; P01180b; P01180c; P01182a; P01182b; P01182c; P01192a; P01192b; P01192c; P01193a; P01193b; P01193c; P01196a; P01196b; P01196c; P01225a; P01223a; P01223b; P01223c; P01224a; P01224b; P01224c; P01250a; P01250b; P01250c; P01250d; P01252a; P01252b; P01252c; P01252d; P01259a; P01259b; P01259c; P01260a; P01260b; P01260c; P01260d; P01261a; P01261b; P01261c; P02341a; P02341b; P02341c; P01299a; P01299b; P01299c; P01315a; P01315b; P01315c; P01315d; P01396a; P01396b; P01396c; P01397a; P01397b; P01397c; P01400a; P01400b; P01400c; P02343; P02344; P01225c; P01225d; P02339a; P02339b; P02339c; P02339d; P02340a; P02340b; P02340c; P02340d; P02340e; P01198a; P01198b; P01198c; P01198d; P01199a; P01199b; P01199c; P01199d; P01201a; P01201b; P01201c; P01202a; P01202b; P01202c; P01202d; 1D00127; 1D00128; 1D00126; 1D00140; 1D00149; 1D00154; P02347a; P02347b; P02347c; P02347d; P01120a; P01120b; P01120c; P01121a; P01121b; P01121c; P01121d; P01126a; P01126b; P01126c; P01126d; P01127a; P01127b; P01127c; P01127d; P01130a; P01130b; P01130c; P01130d; P01324d; P01324c; P01324a; P01324b; P01130e; P02322; P01375b; P01379a; P01379b; P01379c; P01379d; P01379e; P01379f; P02348; P02349; P01362a; P01362b; P01362c; P01375a; P01225b; P01157c; P02355; P02354; P01157b; P01157a; P02352a; P02352b; P02352c; P02352d; P02352e; P02352f; P02352g; 1D00157; 1D2D00050; P02362b; P01115a; P01115b; P01115c; P01115d; P01115e; P01122a; P01122b; P01122c; P01122d; P01137a; P01137b; P01137c; P02361c; P02362a; P01172a; P01172b; P01172c; P01172d; P01174a; P01174b; P01174c; P01174d; P01066; P02361a; P02361b; P01143b; P01143c; P01143a; P01140b; P01140c; P02362c; P01140a; P01092a; P01092b; P01092c; P01092d; P01106a; P01106b; P01106c; P01106d; P01107a; P01107b; P01107c; P01109a; P01109b; P01112a; P01112b; P01112c; P01114a; P01114b; P02358a; P02358b; P02358c; P02358d; P01125a; P01125b; P01125c; P01125d; P01145a; P01145b; P01145c; P01145d; P01146a; P01146b; P01146c; P01147a; P01147b; P01147c; P01147d; P01148a; P01148b; P01148c; P01148d; P00993a; P00993b; P00993c; P01152a; P01152b; P01152c; P02367a; P02367b; P02368a; P02368b; P02369; P02379a; P02379b; P01093a; P01093b; P02382a; P02382b; P01247a; P01247b; P01248a; P01248b; P01270a; P01270b; P01282a; P01282b; P01321a; P01321b; P01305a; P01305b; P01320a; P01320b; P01376a; P01376b; P01399a; P01399b; P01101a; P01101b; P01104a; P01104b; P01111a; P01111b; P01113a; P01113b; P01150a; P01150b; P01153a; P01153b; P01154a; P01154b; P01155a; P01155b; P01175a; P01175b; P01181a; P01181b; P01218a; P01218b; P01294a; P01294b; P01142a; P01142b; P02385a; P02385b; P02386; P01094a; P01094b; P01280a; P01280b; P01318a; P01318b; P01374a; P01374b; P01168a; P01168c; P01200a; P01200b; P01200c; P01200d; P01168b; P01222a; P01222b; P01222c; P01326a; P01326b; P01326c; P01326d; P01341a; P01341b; P01341c; P01237c; P01341d; P01352a; P01352b; P01352d; P01353a; P01353b; P01353c; P02391a; P02391b; P02391c; P02391d; P02392; P01160a; P01160b; P01160c; P01167a; P01167b; P01167c; P01206a; P01206b; P01206c; P01209a; P01209b; P01209c; P01237a; P01237b; P01208a; P01208b; P01208c; P01231a; P01231b; P01231c; P01281a; P01281b;

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