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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-03-69-T
Date: 7 September 2012
Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding
Judge Michèle Picard
Judge Elizabeth Gwaunza

Registrar: Mr John Hocking

Decision of: 7 September 2012

PROSECUTOR

v.

**JOVICA STANIŠIĆ
FRANKO SIMATOVIĆ**

PUBLIC

**FIRST DECISION ON SIMATOVIĆ DEFENCE THIRD BAR
TABLE MOTION**

Office of the Prosecutor
Mr Dermot Groome

Counsel for Jovica Stanišić
Mr Wayne Jordash
Mr Scott Martin

Counsel for Franko Simatović
Mr Mihajlo Bakrač
Mr Vladimir Petrović

I. PROCEDURAL HISTORY AND SUBMISSIONS OF THE PARTIES

1. On 10 July 2012, the Simatović Defence (“Defence”) filed its third Bar Table motion (“Motion”), by which it requested the admission of 259 documents from the Bar Table, organized into three categories: documents used in the Borojević report (“Borojević documents”), non-admitted documents (“2D documents”), and documents recently received from Croatia (“Croatian documents”).¹ On 31 July 2012, the Prosecution filed its response to the Motion (“Response”).² The Stanišić Defence did not make any submissions.

2. The Defence submits that each of the documents in the above three categories is relevant, probative and sufficiently reliable to be admitted into evidence from the Bar Table.³

3. The Prosecution submits that with the minimum information provided, it is difficult to ascertain the potential relevance of the documents to the Defence case.⁴ Nevertheless, having searched through the trial record and other related material, the Prosecution does not oppose the admission of the documents where it understands their relevance.⁵ The Prosecution notes that several documents are not part of the Defence Rule 65 *ter* exhibit list, and that their addition at such a late stage of the proceedings, for which no good cause has been shown, is not in the interests of justice and judicial economy.⁶ In this respect, it notes that the admission of these documents would cause significant prejudice to the Prosecution and may result in the tendering of additional documents and/or presentation of witnesses in rebuttal.⁷ Furthermore, with regard to certain 2D documents, the Prosecution notifies that in the event that they are admitted from the Bar Table, it may tender additional materials in rebuttal for the purpose of contextualization.⁸ In the Response, the Prosecution provides submissions with respect to each of the documents individually.⁹

II. APPLICABLE LAW

¹ Simatović Defence Third Bar Table Motion with Confidential Annex, 10 July 2012, paras 1, 5. The Defence incorrectly refers to 303 documents.

² Prosecution Response to Simatović Defence Third Bar Table Motion with Confidential Annex, 31 July 2012.

³ Motion, paras 2, 6-7.

⁴ Response, para. 14.

⁵ Ibid.

⁶ Response, paras 15-16.

⁷ Response, para. 16.

⁸ Response, Confidential Annex, pp. 148-149, 151-152, 159.

⁹ Response, para. 17, Confidential Annex.

4. The Chamber recalls and refers to the applicable law governing the admission of documents from the Bar Table as set out in its previous decision.¹⁰

III. DISCUSSION

5. In the present Decision, the Chamber will address 2D documents, with the exception of those which fall under one of the following categories: (a) documents already admitted; (b) documents with substantial translation issues; (c) documents marked but not admitted; and (d) voluminous documents. These will be addressed in a further decision by the Chamber.¹¹ The Prosecution submissions with regard to the Borojević and Croatian documents will also be addressed in that further decision by the Chamber.

6. The Chamber takes note of the Prosecution's intention to tender additional documents in rebuttal, but observes that it has not received any specific request in this respect. The Chamber therefore considers that it is not seized of the matter, and will decide on such requests, if any, once they are made in the appropriate format.

7. The Chamber observes that a number of documents are sought to be admitted in order to show a *negative*, i.e. that something did *not* occur because the document made no reference to it. When such documents are tendered from the Bar Table, if viewed in isolation and without context provided by a tendering witness, there is a risk that less weight will ultimately be ascribed to them by the Chamber. In order to properly determine the weight of the documents which will be admitted, and for which a negative inference is sought, the Chamber encourages the Defence to elaborate on the conclusions it invites the Chamber to draw from them (collectively and/or individually), by providing clear references to these documents in its final brief, including, if appropriate, an explanation of how they refute the Prosecution evidence regarding the same issues.

8. With regard to a number of 2D documents, the Prosecution notes, without objecting to their admission, that the English translations appear to be translations of re-typed documents contained in a book published by the Croatian government, rather than the original documents.¹² Having reviewed these documents, the Chamber considers that the English translations appear to reflect

¹⁰ First Decision on Stanišić Defence Bar Table Motion of 17 February 2012, 23 May 2012, paras 9-10.

¹¹ These are documents bearing Rule 65 *ter* nos 2D00043, 2D00061, 2D00068, 2D00100, 2D00108, 2D00120, 2D00121, 2D00140.2, 2D00161.2, 2D00181.2, 2D00185.2, 2D00191.2, 2D00221.2, 2D00237, 2D00242, 2D00243, 2D00251, 2D00280, 2D00314, 2D00368, 2D00611.2, 2D00649 (tendered twice), 2D00656, 2D00696.2, 2D00701.2, 2D00703.2, 2D00706.2, 2D00714.2, 2D00766.2, and 2D00777.2. They will be addressed in the further decisions by the Chamber on Simatović Defence Third Bar Table Motion.

¹² These are documents bearing Rule 65 *ter* nos, 2D00186.2, 2D00188.2, 2D00189.2, 2D00193.2, 2D00195.2, 2D00200.2, 2D00206.2, 2D00207.2, 2D00213.2, 2D00215.2, 2D00218.2, and 2D00699.2. The Prosecution also

features of the original documents. They will therefore be further considered by the Chamber in the present decision.

9. The Chamber further notes that the English translations of documents bearing Rule 65 *ter* nos 2D00186.2, 2D00193.2, 2D00215.2, 2D00218.2, 2D00252.2, 2D00271.2, 2D00548.2, 2D00563.2, 2D00565.2, and 2D00585.2, 2D00599.2, 2D00631.2, 2D00717.2, and 2D00785.2 contain minor omissions.¹³ However, the Chamber does not consider these omissions to be of such significance so as to have an impact upon the admissibility of the above documents from the Bar Table.

10. The Chamber has sub-divided 2D documents into six categories, namely: (i) Documents related to Witnesses Slobodan Lazarević and Milomir Kovačević; (ii) Witness statements; (iii) Documents not included on the Defence Rule 65 *ter* exhibit list; (iv) Documents to the admission of which the Prosecution does not object; (v) Documents whose admission is opposed for lack of relevance and/or probative value; and (vi) Other documents. They will be addressed below.

(i) Documents related to Witnesses Slobodan Lazarević and Milomir Kovačević

11. The Chamber notes that the Defence seeks to challenge the credibility of Witness Slobodan Lazarević with a number of documents. These are the documents bearing Rule 65 *ter* nos 2D00006, 2D00010, 2D00012, 2D00013, 2D00014, 2D00015, 2D00016, 2D00017, 2D00018, 2D00019, 2D00020, 2D00021, 2D00024, 2D00025, 2D00027, 2D00028, 2D00030, and 2D00031. Whereas the Prosecution does not object to the admission of these documents, it points out that they have been available to the Defence as of November 2009, that is well before the testimony of Witness Lazarević in February 2010, and should have therefore been put to the witness in court.¹⁴

12. The Prosecution objects to the admission of the document bearing Rule 65 *ter* no. 2D00086, by means of which the Defence seeks to challenge the credibility of Witness Milomir Kovačević.¹⁵ In this respect the Prosecution submits that despite having been in possession of this document since March 2010, and having cross-examined Kovačević on his criminal record¹⁶, the Defence chose not to put it to the witness when he was recalled in September 2010.¹⁷

13. The Chamber notes that the Defence did not put these documents to Witnesses Lazarević and Kovačević, and did not provide any explanation for not having done so. Furthermore, the

makes similar submissions with regard to documents bearing Rule 65 *ter* nos 2D00181.2, 2D00191.2, 2D00221.2, 2D00696.2, 2D00701.2, and 2D00703.2, which will be addressed in a further decision by the Chamber.

¹³ For example, minor handwritten annotations, stamps and signatures are not contained in the English translations.

¹⁴ Response, Confidential Annex, pp. 114-119.

¹⁵ Response, Confidential Annex, p. 121.

¹⁶ See T. 6678 and the following transcript pages.

¹⁷ Ibid.

Chamber has previously informed the parties that it would normally not allow admission of statements of witnesses, who were aggrieved parties in the criminal proceedings against witnesses appearing before the Chamber.¹⁸ Therefore, the Chamber will deny admission of these documents.

(ii) Witness statements

14. The Prosecution objects to the admission of documents bearing Rule 65 *ter* nos 2D00003, 2D00219, 2D00245, and 2D00325, submitting that, as they constitute witness statements, their admission would circumvent the requirements of Rules 92 *bis* or *ter* of the Rules.¹⁹ The Prosecution further notes that the document bearing Rule 65 *ter* no. 2D00003 is a draft statement, which has not been signed by the witness.²⁰

15. The Chamber considers that in accordance with the Tribunal's jurisprudence,²¹ the Defence should have sought admission of the above documents under Rules 92 *bis*, *ter*, or *quater* in conjunction with Rule 73 *ter* (D) of the Rules. The admission of the above documents from the Bar Table under Rule 89 (C) of the Rules, would give the Defence permission to circumvent the stringent requirements of Rules 92 *bis* to *quater* of the Rules. Consequently, these documents will be denied admission.

(iii) Documents not included on the Defence Rule 65 *ter* exhibit list

16. The Prosecution objects to the admission of documents bearing Rule 65 *ter* nos 2D00874, 2D00878, 2D01217, 2D01220, 2D01669, 2D01672, and 2D01673 on the grounds that they were not included on the Defence Rule 65 *ter* exhibit list.²² The Prosecution submits that it would be prejudiced by their admission, and notes that the Defence does not provide any good cause for seeking to admit these documents to its Rule 65 *ter* exhibit list at this late stage of the proceedings.²³

¹⁸ See T. 3484 and the following transcript pages. The Chamber notes that it exceptionally allowed admission of a similar document in relation to Witness Lazarević in its 28 June 2012 Decision on the Simatović Defence First Bar Table Motion, with reference to the Chamber's Confidential Invitation to the Parties in Relation to Matters Arising out of the Cross-Examination of Witness Lazarević, dated 8 July 2010. See para. 9 of the decision. The Chamber considers that, by now, the Defence has had sufficient opportunity to address any matters which could not have been dealt with during cross-examination of Witness Lazarević.

¹⁹ Response, Confidential Annex, pp. 114, 133, 135, 137. The Chamber further notes, with respect to the document bearing Rule 65 *ter* no. 2D00325, that when the Prosecution withdrew in court its initial application for the admission of this document, the Defence failed to request that it be admitted. See T. 2079 and the following transcript pages.

²⁰ Response, Confidential Annex, p. 114.

²¹ See, Decision on Stanišić Defence Motion for Admission of Testimony in the Case of *Prosecutor v. Slobodan Milošević* and Excerpts of Prosecution Interview, 6 July 2012, paras 6-8.

²² Response, Confidential Annex, pp. 156-158.

²³ *Ibid.*

17. The Chamber recalls that the addition of documents to a Rule 65 *ter* exhibit list is a sub-question to that of admitting the documents into evidence.²⁴ The Prosecution's concerns will be duly considered under the Rule 89 (C) analysis. For this reason the Prosecution's objections related to the Defence Rule 65 *ter* exhibit list do not require explicit discussion. The Chamber decides, *proprio motu*, to add the above documents to the Defence Rule 65 *ter* exhibit list.

18. Furthermore, the Prosecution questions the authenticity of the document bearing Rule 65 *ter* no. 2D00878, which the Prosecution received from Franko Simatović during interview.²⁵ Whilst authenticity is one of the factors to be considered when assessing the reliability of evidence for admissibility purposes, Rule 89 (C) of the Rules does not require "absolute proof" of authenticity.²⁶ The Chamber finds that taken at face value, this document bears sufficient indicia of authenticity and reliability to meet the standard for admission from the Bar Table. The Prosecution also submits that it appears that the first page of the original document bearing Rule 65 *ter* no. 2D01220 "may not be complete", and that "the upper right corner of such documents may include the initials of the recipient of the document and other notes which are relevant."²⁷ The Chamber agrees with the Prosecution and decides that the document bearing Rule 65 *ter* no. 2D01220 will be admitted into evidence provided that a complete version of the first page of the original document and its English translation are uploaded into eCourt within one week of the date of issue of this decision.

19. The Prosecution further opposes the admission of documents bearing Rule 65 *ter* nos 2D01669, 2D01672, and 2D01673 on the basis of relevance.²⁸ The Chamber has reviewed these documents and finds that the Defence has adequately shown their relevance for the purpose of admissibility under Rule 89 (C) of the Rules. The Chamber further finds that the Defence has shown (i) the probative value of all the above documents in this category, and (ii) how they would fit into the Defence case.

(iv) Documents to the admission of which the Prosecution does not object

20. The Prosecution does not object to the admission of documents bearing Rule 65 *ter* nos 2D00046, 2D00050,²⁹ 2D00085, 2D00111, 2D00112, 2D00138, 2D00163.2, 2D00182.2, 2D00186.2, 2D00188.2, 2D00189.2, 2D00190.2, 2D00193.2, 2D00195.2, 2D00196.2, 2D00199.2, 2D00200.2, 2D00201.2, 2D00204.2, 2D00206.2, 2D00207.2, 2D00208.2, 2D00213.2, 2D00215.2,

²⁴ Decision on Prosecution Motion to Reopen Prosecution Case and for the Admission of Documents from the Bar Table, 7 June 2011, para. 14, fn. 42.

²⁵ Response, Confidential Annex, p. 156.

²⁶ Second Decision on Stanišić Defence Bar Table Motion of 17 February 2012, para. 7, referring to Decision on Admission into Evidence of P179 and P473, 23 June 2010, para. 4, and decisions cited therein.

²⁷ Response, Confidential Annex, p. 157.

²⁸ Response, Confidential Annex, pp. 157-158.

2D00218.2, 2D00221.2, 2D00262.2, 2D00271.2, 2D00375, 2D00548.2, 2D00551.2, 2D00557.2, 2D00560.2, 2D00563.2, 2D00591.2, 2D00699.2, 2D00761.2, 2D00791, 2D00792, 2D00797, 2D00805, 2D00826, and 2D00828.³⁰

21. The Chamber has reviewed these documents and finds that the Defence has adequately shown their relevance for the purpose of admissibility under Rule 89 (C) of the Rules. The Chamber further finds that the Defence has shown (i) their probative value, and (ii) how they would fit into the Defence case.

22. The Prosecution does not object to the admission of documents bearing Rule 65 *ter* nos 2D00102, 2D00103, and 2D00104, but considers their probative value to be very low.³¹ The Chamber considers that the Prosecution's submissions go to the weight to be afforded to the documents, and reiterates that any conclusions to be drawn from them do not impact upon their admissibility under Rule 89 (C) of the Rules. In this instance, the Defence has demonstrated (i) the relevance and probative value of the documents and (ii) how they would fit into its case.

(v) Documents whose admission is opposed for lack of relevance and/or probative value

23. The Prosecution objects to the admission of the document bearing Rule 65 *ter* no. 2D00096, arguing that it contains no substantive information and lacks any probative value.³² It submits that this document appears to be a cover letter for the document bearing Rule 65 *ter* no. 2D00097, which was tendered into evidence from the Bar Table, and the authenticity of which the Prosecution never questioned.³³ The Chamber notes that the document bearing Rule 65 *ter* no. 2D00097 is in evidence as D1348, and that indeed the document bearing Rule 65 *ter* no. 2D00096 appears to be its covering letter. As such, it is not of sufficient relevance or probative value, and it will be denied admission.

24. Similarly, with respect to the document bearing Rule 65 *ter* no. 2D00164, which is a certificate of authenticity of a newspaper article already in evidence as D168, the Prosecution submits that its admission is unnecessary.³⁴ The Chamber considers that this document is not of sufficient relevance or probative value, and its admission from the Bar Table will be denied.

²⁹ The Chamber notes that there are two identical English translations of the original document uploaded.

³⁰ Response, Confidential Annex, pp. 120-121, 123, 126-134, 136, 140-144, 148, 152-156.

³¹ Response, Confidential Annex, p. 122-123.

³² Response, Confidential Annex, p. 121.

³³ Response, Confidential Annex, p. 121. See, Decision on the Simatović Defence First Bar Table Motion, 28 June 2012, paras 11, 13.

³⁴ Response, Confidential Annex, p. 127.

25. The Chamber notes that documents bearing 65 *ter* nos 2D00366 and 2D00367 constitute excerpts of testimony of Slobodan Medić a.k.a. Boca in his own trial before the Serbian War Crime Court. The Prosecution opposes their admission on the basis of lack of relevance.³⁵ It also submits that Medić did not take an oath when testifying before the Serbian court, and that he had every incentive to lie, which makes this testimony unreliable and thus inadmissible under Rule 89 (C) of the Rules.³⁶ In the event that the Chamber admits the two documents at issue into evidence, the Prosecution submits that they should be given very little weight, and requests that the Chamber take judicial notice of the Serbian court's observations as to Medić's reliability, and his subsequent conviction by the Serbian court.³⁷ The Chamber recalls that in accordance with the Tribunal's jurisprudence, statements given to non-parties for purposes other than proceedings before the Tribunal may be admitted into evidence under Rule 89 (C) of the Rules.³⁸ The Chamber further recalls that another excerpt of Medić's testimony from the same trial was earlier tendered by the Defence and admitted into evidence.³⁹ Likewise, in the present decision, the Chamber finds that the proffered documents are authentic transcripts of court proceedings, and that they are relevant to the issues raised in the Indictment. The Prosecution's objections go to the weight, if any, to be given to these documents, rather than to the issue of their admissibility. The Chamber is satisfied that the Defence has demonstrated (i) the relevance and probative value of the documents, and (ii) how they would fit into its case.⁴⁰

26. The Prosecution opposes the admission of documents bearing Rule 65 *ter* nos 2D00590.2, 2D00762.2, and 2D00764.2, arguing that the Defence has not indicated their relevance.⁴¹ However, having examined the Defence submissions, the Chamber considers that it has demonstrated (i) the relevance and probative value of the documents, and (ii) how they would fit into its case.

27. The Prosecution also opposes the admission of documents bearing Rule 65 *ter* nos 2D00105, 2D00118, 2D00139, 2D00203.2, 2D00205.2, 2D00306.1, 2D00565.2 and 2D00585.2, arguing that the Defence has not indicated their relevance or how they fit into its case.⁴² The Chamber agrees with the Prosecution and considers that the Defence has merely described the

³⁵ Response, Confidential Annex, pp. 138-139.

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-AR73.3, Decision on Admissibility of Prosecution Investigator's Evidence, 30 September 2002 ("*Milošević* Appeal Decision"), para. 18.

³⁹ D213. See, Omnibus Decision dealing with Outstanding Matters, 5 April 2011, para. 19.

⁴⁰ With regard to the request for judicial notice of the Serbian court's observations as to Medić's reliability, and his subsequent conviction, the Chambers notes that the Prosecution has not demonstrated that the requirements for taking judicial notice have been met.

⁴¹ Response, Confidential Annex, pp. 143, 152. The Chamber was unable to confirm the Prosecution's observations regarding multiple translations of documents bearings Rule 65 *ter* nos 2D00762.2 and 2D00764.2 uploaded into eCourt.

⁴² Response, Confidential Annex, pp. 123-125, 131, 136-137, 142, 143.

content of the above documents. The Chamber, having not been provided with sufficient information to properly assess the relevance and probative value of these documents, or how they would fit into the Defence case, will consequently deny their admission.

(vi) Other documents

28. Further, noting that the English translations of documents bearing Rule 65 *ter* nos 2D00599.2, 2D00631.2, 2D00717.2, and 2D00785.2 appear to be translations of book extracts, the Prosecution submits that it does not oppose their admission provided that corrected translations are uploaded.⁴³ However, having examined the above documents, the Chamber considers that the English translations appear, in fact, to reflect features of the original documents. The Chamber has reviewed these documents and finds that the Defence has shown (i) the relevance and probative value of these documents, and (ii) how they would fit into the Defence case.

29. The Prosecution submits that the document bearing Rule 65 *ter* no. 2D00796, which is a RFA response, is misleading, as it does not mention the related and highly relevant contextual information provided to the Prosecution by the Republic of Serbia, and uploaded into eCourt under Rule 65 *ter* no. 4934.⁴⁴ The Chamber takes note of the Prosecution's objection, but considers that it goes to the weight of the document. In this respect the Chamber notes that the Prosecution may request admission of any document it intends to use in rebuttal in a separate motion to the Chamber. The Chamber is further satisfied that the Defence has shown (i) the relevance and probative value of this document, and (ii) how it would fit into its case.

30. The Prosecution objects to the admission of the document bearing Rule 65 *ter* no. 2D00252.2, as the Defence has not provided it with the RFA response.⁴⁵ Nevertheless, the Prosecution acknowledges that the document's stamps and header appear to be authentic, and the document is relevant.⁴⁶ The Chamber finds that on face value the document bears sufficient indicia of authenticity and reliability to meet the standard for admission from the Bar Table. It further finds that the Defence has shown (i) the relevance and probative value of this document, and (ii) how it would fit into its case.

31. With regard to documents bearing Rule 65 *ter* nos 2D00648, 2D00655, and 2D00690, the Prosecution claims that it has not received sufficient information on the provenance and questions

⁴³ The Prosecution makes similar submissions with regard to documents bearing Rule 65 *ter* nos 2D00140.2 and 2D00714.2, which will be addressed in a further decision by the Chamber.

⁴⁴ Response, Confidential Annex, p. 154.

⁴⁵ Response, Confidential Annex, p. 135.

⁴⁶ *Ibid.*

the documents' reliability/authenticity.⁴⁷ It further notes that, contrary to the Defence assertions, Witness Rade Vujović did not confirm the authenticity of documents bearing Rule 65 *ter* nos 2D00648 and 2D00655 in court, and that the former document appears to be incomplete.⁴⁸ The Prosecution further objects to the relevance of these documents, and submits that the Defence has failed to state how they would support its case.⁴⁹ The Chamber notes that these documents were put to Witness Vujović, that he confirmed that they were generated by the 3rd department of the 7th Administration of the Serbian State Security Service, and that he recognised the sequential numbers that were normally given to such documents.⁵⁰ The Chamber will deny admission of the document bearing Rule 65 *ter* no. 2D00648, which appears to contain an incomplete text, and with regard to which the Defence has not provided any explanation as to the reasons for it being incomplete. In view of the above, the Chamber is unable to properly assess relevance and probative value of this document. With regard to the remaining two documents referred to above, the Chamber finds that at face value, they bear sufficient indicia of authenticity and reliability to meet the standard for admission from the Bar Table, and that the Defence has shown with sufficient clarity and specificity (i) the relevance and probative value of the documents, and (ii) how they would fit into its case.

IV. DISPOSITION

32. For the foregoing reasons, the Chamber

- (i) **PROPRIO MOTU DECIDES** to add documents bearing Rule 65 *ter* nos 2D00874, 2D00878, 2D01217, 2D01220, 2D01669, 2D01672, and 2D01673 to the Defence Rule 65 *ter* exhibit list;
- (ii) **ADMITS** into evidence the documents bearing Rule 65 *ter* nos 2D00046, 2D00050, 2D00085, 2D00102, 2D00103, 2D00104, 2D00111, 2D00112, 2D00138, 2D00163.2, 2D00182.2, 2D00186.2, 2D00188.2, 2D00189.2, 2D00190.2, 2D00193.2, 2D00195.2, 2D00196.2, 2D00199.2, 2D00200.2, 2D00201.2, 2D00204.2, 2D00206.2, 2D00207.2, 2D00208.2, 2D00213.2, 2D00215.2, 2D00218.2, 2D00252.2, 2D00262.2, 2D00271.2, 2D00366, 2D00367, 2D00375, 2D00548.2, 2D00551.2, 2D00557.2, 2D00560.2, 2D00563.2, 2D00590.2, 2D00591.2, 2D00599.2, 2D00631.2, 2D00655, 2D00690, 2D00699.2, 2D00717.2, 2D00761.2, 2D00762.2, 2D00764.2, 2D00785.2, 2D00791,

⁴⁷ Response, Confidential Annex, pp. 145-148.

⁴⁸ *Ibid.*

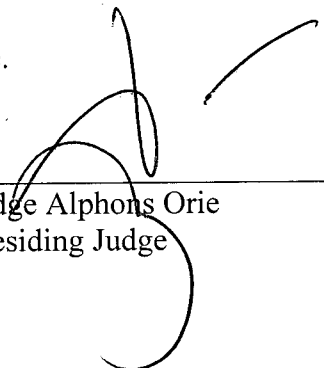
⁴⁹ *Ibid.*

⁵⁰ T. 19624, 19626-19629.

2D00792, 2D00796, 2D00797, 2D00805, 2D00826, 2D00828, 2D00874, 2D00878, 2D01217, 2D01220, 2D01669, 2D01672, and 2D01673;

- (iii) **DENIES** the admission into evidence of the documents bearing Rule 65 *ter* nos 2D00003, 2D00006, 2D00010, 2D00012, 2D00013, 2D00014, 2D00015, 2D00016, 2D00017, 2D00018, 2D00019, 2D00020, 2D00021, 2D00024, 2D00025, 2D00027, 2D00028, 2D00030, 2D00031, 2D00086, 2D00096, 2D00105, 2D00118, 2D00139, 2D00164, 2D00203.2, 2D00205.2, 2D00219, 2D00245, 2D00306.1, 2D00325, 2D00565.2, 2D00585.2, and 2D00648;
- (iv) **DIRECTS** the Defence to upload into eCourt the complete first page of both the original and English translation of the document bearing Rule 65 *ter* no. 2D01220, within one week of the date of issue of this decision and to advise the Registry and the parties once these have been uploaded;
- (v) **REQUESTS** the Registry to assign exhibit numbers to the documents admitted and inform the parties and the Chamber of the numbers so assigned, and;
- (vi) **DECIDES** to issue further Decision on the Motion in due course.

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



Judge Alphons Orié
Presiding Judge

Dated this seventh day of September 2012
At The Hague
The Netherlands

[Seal of the Tribunal]