

**UNITED
NATIONS**



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of the
former Yugoslavia since 1991

Case No. IT-04-75-T
Date: 23 May 2013
Original: English

IN THE TRIAL CHAMBER

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

Registrar: Mr. John Hocking

Decision: 23 May 2013

PROSECUTOR

v.

GORAN HADŽIĆ

PUBLIC

**DECISION ON PROSECUTION MOTION FOR JUDICIAL NOTICE OF
ADJUDICATED FACTS AND DOCUMENTS**

The Office of the Prosecutor:

Mr. Douglas Stringer

Counsel for Goran Hadžić:

Mr. Zoran Živanović

Mr. Christopher Gosnell

1. **THIS TRIAL CHAMBER** of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991 (“Tribunal”) is seised of the “Prosecution Motion for Judicial Notice of Adjudicated Facts and Documents” with annexes A and B, filed on 17 July 2012 (“Motion”). On 18 July 2012, the Prosecution filed a “Corrigendum to Prosecution Motion for Judicial Notice of Adjudicated Facts and Documents” with annex B (“Corrigendum”), correcting an error discovered in annex B of the Motion. On 19 July 2012, The Trial Chamber ordered the Prosecution to supplement annex A of the Motion with additional information. The “Prosecution Supplemental Motion for Judicial Notice of Adjudicated Facts and Documents” with revised annexes A and B was accordingly filed on 31 July 2012 (“Supplemental Motion”). On 31 July 2012, the Defence filed its “Response to Prosecution Motion for Judicial Notice of Adjudicated Facts and Documents” (“Response”). On 8 August 2012, the Prosecution filed the “Prosecution Request for Leave to Reply and Reply to Response to Prosecution Motion for Judicial Notice of Adjudicated Facts and Documents” (“Reply”).

A. Submissions

2. In the Motion, the Prosecution requests that the Trial Chamber, pursuant to Rule 94(B) of the Tribunal’s Rules of Procedure and Evidence (“Rules”), take judicial notice of 254 facts in annex A and of the authenticity of 175 documents in annex B, which have been adjudicated by trial chambers in the *Mrkšić et al.*, *Martić*, and *Gotovina et al.* cases.¹ In the event that the Trial Chamber determines that a proposed fact includes evidence that should not, in the interests of justice, be judicially noticed, the Prosecution requests that the Trial Chamber excise that portion of the fact at issue and judicially notice the remainder of the fact.² The Prosecution submits that the proposed adjudicated facts and documents satisfy the requirements established by the Tribunal’s jurisprudence and will promote efficiency by reducing the time and resources necessary to conduct the proceedings.³ According to the Prosecution, there is a strong public interest in favour of taking judicial notice of background and crime-base facts adjudicated in previous cases in order to focus the evidence presented at trial on the individual criminal responsibility of the accused for the crimes charged.⁴ The Prosecution submits that the proposed facts meet the requirements for admission under Rule 94(B) of the Rules and that none pertains to issues that are at the core of this case or likely to be the subject of significant dispute between the parties.⁵ The Prosecution further submits

¹ Motion, para. 1.

² Motion, para. 26.

³ Motion, para. 2.

⁴ Motion, para. 9.

⁵ Motion, paras 10-26.

that its Rule 65 *ter* witness list was tailored, in anticipation of the Motion, to minimise the number of crime-base and background witnesses whose evidence the Prosecution believes may be covered by adjudicated facts from prior proceedings.⁶

3. Regarding the 175 documents in annex B, the Prosecution submits that all selected documents have been admitted in previous trials and are relevant to the present case. The Prosecution further submits that the documents are of a background nature, emanate from government officials and armed forces during the conflict in Croatia, or belong to a small group of other documents such as protest letters from civilian organs and newspaper articles.⁷ The Prosecution argues that the proposed documents should be judicially noticed since Rule 94(B) of the Rules recognises that taking judicial notice of the authenticity of documentary evidence relieves the Chamber from having to recreate findings from prior trials.⁸ The Prosecution notes that documentary evidence is no longer admitted by way of taking judicial notice; it is the authenticity of the documents that is judicially noticed.⁹

4. In response, the Defence objects to a number of the Prosecution's proposed adjudicated facts on the basis that they (a) were decided in a different evidential context, (b) were decided in proceedings with accused who had different interests than Hadžić, and (c) relate to matters that go to the core of the present case.¹⁰ The Defence submits that judicial notice of an adjudicated fact has a profound impact on Hadžić's right to be presumed innocent and the burden of proof.¹¹ The Defence argues that, since one of the purposes of judicial notice is efficiency, the goal would not be served if the proposed fact is likely to require significant efforts for the Defence to rebut.¹² The Defence submits that, in relation to the proposed facts from the *Mrkšić et al.* case, not all findings from that case may have been subject to the "beyond reasonable doubt" standard to the extent that they were perceived to be unimportant to the criminal responsibility of the accused in that case.¹³ Concerning the proposed facts from the *Martić* case, the Defence argues that several findings in relation to events in SAO Krajina precede Hadžić's involvement in that area and therefore fall outside the scope of the Indictment.¹⁴ According to the Defence, many of the proposed facts implicate the conduct of persons for whom Hadžić is alleged to be criminally responsible and therefore should not be judicially noticed.¹⁵ Furthermore, the Defence submits that the allegation

⁶ Motion, para. 9.

⁷ Motion, para. 28.

⁸ Motion, para. 27.

⁹ Motion, para. 27.

¹⁰ Response, para. 1.

¹¹ Response, para. 4.

¹² Response, para. 4.

¹³ Response, para. 10.

¹⁴ Response, para. 11.

¹⁵ Response, para. 12.

that Hadžić is responsible by omission for every breach of human rights in the territory of SAO SBWS implies that his conduct is implicated even in relation to previous findings that make no reference to his behaviour.¹⁶

5. The Defence objects to the Trial Chamber taking judicial notice of the authenticity of the documents proposed by the Prosecution. The Defence argues that efficient procedures under Rule 89(C) of the Rules exist for the admission of evidence and that the proposed documents should instead be tendered for admission through a bar table motion.¹⁷ The Defence objects to all proposed documents from the *Perišić* case because the subject matter of that case diverges from that of the present case, rendering any findings of reliability and probative value inapposite. According to the Defence, since portions of the public version of the *Perišić* appeal brief are redacted, it cannot be determined whether the admissibility of these documents are not subject to pending appeal.¹⁸ The Defence specifically objects to one document admitted in the *Perišić* case allegedly written by Hadžić.¹⁹ In addition, the Defence objects to documents admitted in the *Martić* case for which (a) no sources are given,²⁰ (b) the date is unknown,²¹ or (c) content has been “deliberately left blank.”²² In relation to documents admitted in the *Mrkšić et al.* case, the Defence objects to (a) all documents related to military operations around Vukovar,²³ (b) four documents that are illegible, misleading, or from an unknown source,²⁴ and (c) one document that concerns the acts and conduct of Hadžić.²⁵

6. The Prosecution replies that the Defence has provided no support for the assertion that a lower standard than “beyond a reasonable doubt” was applied to the findings in the *Mrkšić et al.* case.²⁶ According to the Prosecution, the Defence’s objection to the proposed adjudicated facts from the *Martić* case is a “belated and collateral attack” on the scope of the Indictment²⁷ and the Defence’s conception of the “core” of the Prosecution case is unjustifiably broad.²⁸ The Prosecution further argues that the Appeals Chamber has clarified that judicial notice may be taken of the

¹⁶ Response, para. 12.

¹⁷ Response, paras 1, 13-15.

¹⁸ Response, para. 16, referring to Rule 65 *ter* numbers: 00329, 00923, 01480, 01481, 01541, 01591, 01655, 01662, 01672, 01697, 01698, 01705, 01758, 01771, 01825, 01826, 01827, 01868, 01899, 01911, 01934, 01937, 02048, 02059, 02443, and 02764.

¹⁹ Response, para. 16, referring to Rule 65 *ter* number 01662.

²⁰ Response, para. 17, referring to Rule 65 *ter* numbers: 00127, 01200, 01804, and 01809.

²¹ Response, para. 17, referring to Rule 65 *ter* number 02987.

²² Response, para. 17, referring to Rule 65 *ter* number 00306.

²³ Response, para. 17, referring to Rule 65 *ter* numbers: 00087, 00199, 00300, 00346, 00363, 00436, 00446, 00474, 00477, 00480, 00482, 00490, 00501, 00516, 00521, 00537, 00542, 00549, 00553, 00554, 00557, 00558, 00559, 00562, 00579, 00580, 00583, 00593, 00598, 00602, 00605, 00606, 00611, 00614, 00620, 00624, 00633, 00645, 00646, 00647, 00657, 00668, 00676, 00678, 00680, 00686, 00779, 00880, 02689, 02827, 02856, and 02985.

²⁴ Response, para. 17, referring to Rule 65 *ter* numbers: 00083, 00627, 02619, 02689.

²⁵ Response, para. 17, referring to Rule 65 *ter* number 02856.

²⁶ Reply, paras 1, 3.

²⁷ Reply, paras 4-5.

²⁸ Reply, paras 1, 6.

conduct of persons for whom an accused is alleged to bear criminal responsibility.²⁹ In relation to the Defence argument that every human rights breach implicates Hadžić's omission liability and thus is not amenable to admission as an adjudicated fact, the Prosecution replies that the Defence confounds Hadžić's omissions with the crimes that his omissions encouraged.³⁰

7. In relation to the judicial notice of the authenticity documents under Rule 94(B) of the Rules, the Prosecution replies that the Defence has ignored the difference between taking judicial notice of the authenticity of documentary evidence and the admission of such evidence.³¹ The Prosecution argues that the Defence's attempt to narrow the range of documents amenable to judicial notice under Rule 94(B) of the Rules is based on jurisprudence pursuant to a previous version of the rule.³² The Prosecution submits that the Defence objection to the reliability and probative value of documentary evidence admitted in the *Perišić* case is misdirected³³ because the Trial Chamber in *Perišić* applied the requisite standards under the Rules to admit evidence and that this standards does not change simply because *Perišić* concerned a range of events that differs in some respects from those at issue in the present case.³⁴ In relation to documents from the *Martić* case, the Prosecution submits that, contrary to the Defence's assertion, (a) the sources of the documents are evident from the documents themselves, (b) the Defence fails to show that the authenticity of undated documents may not be judicially noticed under Rule 94(B) of the Rules, and (c) Rule 65 *ter* number 00306³⁵ was not "deliberately left blank", but contains the full text of the document. The Prosecution further argues that, while Rule 65 *ter* number 00083 from the *Mrkšić et al.* case is of poor legibility, it was sufficiently clear to provide the basis for an English translation and therefore the authenticity of this document should be judicially noticed.³⁶ The Prosecution submits that the authenticity of these documents, like the other documents proposed in annex B of the Motion and the Supplemental Motion, is amenable to judicial notice under Rule 94(B) of the Rules.³⁷ Finally, the Prosecution (a) acknowledges that Rule 65 *ter* numbers 01662 and 02856 concern the acts and conduct of the accused and (b) has determined that Rule 65 *ter* number 02619 was merely marked for identification rather than being admitted in prior proceedings. The Prosecution therefore withdraws its request that the authenticity of these three documents be judicially noticed.³⁸

²⁹ Reply, para. 6.

³⁰ Reply, para. 7.

³¹ Reply, paras 1, 8.

³² Reply, paras 1, 9.

³³ Reply, para. 10.

³⁴ Reply, para. 10.

³⁵ According to the Prosecution, Rule 65 *ter* number 00306 is a "duplicate" of Rule 65 *ter* number 00307.

³⁶ Reply, para. 11.

³⁷ Reply, para. 11.

³⁸ Reply, para. 12.

B. Applicable Law

8. Rule 94(B) of the Rules, as amended on 8 December 2010, provides as follows:

At the request of a party or *proprio motu*, a Trial Chamber, after hearing the parties, may decide to take judicial notice of adjudicated facts or of the authenticity of documentary evidence from other proceedings of the Tribunal relating to matters at issue in the current proceedings.

9. Rule 94(B) of the Rules aims at achieving judicial economy and harmonising judgements of the Tribunal by conferring on the Trial Chamber discretionary power to take judicial notice of facts or documents from other proceedings. The Appeals Chamber has held that “[w]hen applying Rule 94 of the Rules, a balance between the purpose of taking judicial notice, namely to promote judicial economy, and the fundamental right of the accused to a fair trial must be achieved.”³⁹ The Appeals Chamber has further held that “while it is possible to take judicial notice of adjudicated facts regarding the existence of ... crimes, the *actus reus* and the *mens rea* supporting the responsibility of the accused for the crimes in question must be proven by other means than judicial notice.”⁴⁰

10. As to the effect of taking judicial notice, the Appeals Chamber has held that “by taking judicial notice of an adjudicated fact, a Chamber establishes a well-founded presumption for the accuracy of this fact, which therefore does not have to be proven again at trial”.⁴¹ However, the Appeals Chamber has clarified that:

judicial notice [under Rule 94(B)] does not shift the ultimate burden of persuasion, which remains with the Prosecution ... [T]he effect is only to relieve the Prosecution of its initial burden to produce evidence on the point; the defence may then put the point into question by introducing reliable and credible evidence to the contrary.⁴²

11. In exercising its discretion under Rule 94(B) of the Rules, the Trial Chamber must assess (a) whether each adjudicated fact satisfies the various requirements established by the Tribunal’s case law for judicial notice and (b) whether a fact, despite having satisfied the aforementioned requirements, should be excluded on the basis that its judicial notice would not be in the interests of

³⁹ *Prosecutor v. Karadžić*, Case No. IT-95-5/18-T, Decision on Fourth Prosecution Motion for Judicial Notice of Adjudicated Facts, 14 June 2010 (“*Karadžić Decision*”), para. 14, citing *Prosecutor v. M. Nikolić*, Case No. IT-02-60/1-A, Decision on Appellant’s Motion for Judicial Notice, 1 April 2005 (“*Nikolić Appeal Decision*”), para. 12. See also *Ephrem Setako v. The Prosecutor*, Case No. ICTR-04-81-A, Judgement, 28 September 2011 (“*Setako Appeal Judgement*”), para. 200.

⁴⁰ *Karadžić Decision*, para. 14; *Prosecutor v. D. Milošević*, Case No. IT-98-29/1-AR73.1, Decision on Interlocutory Appeal against Trial Chamber’s Decision on Prosecution’s Motion for Judicial Notice of Adjudicated Facts and Prosecution’s Catalogue of Agreed Facts, 26 June 2007 (“*D. Milošević Appeal Decision*”), para. 16.

⁴¹ *Karadžić Decision*, para. 15, citing *Prosecutor v. S. Milošević*, Case No. IT-02-54-AR73.5, Decision on the Prosecution’s Interlocutory Appeal against the Trial Chamber’s 10 April 2003 Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts, 28 October 2003, p. 4; see also *Bagosora et al. v. The Prosecutor*, Case No. ICTR-98-41-A, Decision on Anatole Nsengiyumva’s Motion for Judicial Notice, 29 October 2010 (“*Bagosora Appeal Decision*”), para. 7.

⁴² *Karadžić Decision*, para. 15, citing *Karemera et al. v. The Prosecutor*, Case No. ICTR-98-44-AR73(C), Decision on Prosecutor’s Interlocutory Appeal of Decision on Judicial Notice, 16 June 2006 (“*Karemera Appeal Decision*”), para. 42.

justice.⁴³ The Rule 94(B) requirements have been established by other Chambers.⁴⁴ These requirements include the following:

- (a) The fact must be relevant to the current proceedings;⁴⁵
- (b) The fact must be distinct, concrete, and identifiable;⁴⁶
- (c) The fact, as formulated by the moving party, must not differ in any substantial way from the formulation of the original judgement;⁴⁷
- (d) The fact must not be unclear or misleading in the context in which it is placed in the moving party's motion.⁴⁸ In addition, the fact must be denied judicial notice "if it will become unclear or misleading because one or more of the surrounding purported facts will be denied judicial notice";⁴⁹
- (e) The fact must be identified with adequate precision by the moving party;⁵⁰
- (f) The fact must not contain characterisations or findings of an essentially legal nature;⁵¹
- (g) The fact must not be based on an agreement between the parties to the original proceedings;⁵²

⁴³ *Karadžić* Decision, para. 16, citing *Prosecutor v. Popović et al.*, Case No. IT-05-88-T, Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts with Annex, 26 September 2006 ("*Popović* Decision"), para. 4.

⁴⁴ See, e.g., *Prosecutor v. Mladić*, First Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts, 28 February 2012 ("*Mladić* Decision"), para. 8; *Karadžić* Decision, para. 16; *Prosecutor v. Tolimir*, Case No. IT-05-88/2-PT, Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts Pursuant to Rule 94 (B), 17 December 2009 ("*Tolimir* Decision"), para. 8; *Prosecutor v. Milan Lukić and Sredoje Lukić*, Case No. IT-98-32/1-PT, Decision on Prosecution's Motion for Judicial Notice of Adjudicated Facts, 22 August 2008, para. 20; *Prosecutor v. Mićo Stanišić*, Case No. IT-04-79-PT, Decision on Judicial Notice, 14 December 2007 ("*Stanišić* Decision"), paras 35-45; *Popović* Decision, paras 5-14; *Prosecutor v. Prlić et al.*, Case No. IT-04-74-PT, Decision on Motion for Judicial Notice of Adjudicated Facts Pursuant to Rule 94 (B), 14 March 2006 ("*Prlić* Decision"), para. 12.

⁴⁵ *Karadžić* Decision, para. 16, citing *Niyitegeka v. The Prosecutor*, ICTR-96-14-A, Reasons for Oral Decision Rendered 21 April 2004 on Appellant's Motion for Admission of Additional Evidence and for Judicial Notice, 17 May 2004, para. 16; *Nikolić* Appeal Decision, paras 11, 48, 56.

⁴⁶ See, e.g., *Karadžić* Decision, para. 16; *Prosecutor v. Perišić*, Case No. IT-04-81-PT, Decision on Prosecution's Motion for Judicial Notice of Adjudicated Facts Concerning Sarajevo, 26 June 2008, para. 18; *Stanišić* Decision, para. 37; *Prlić* Decision, para. 18; *Prosecutor v. Krajišnik*, Case No. IT-00-39-T, Decision on Third and Fourth Prosecution Motions for Judicial Notice of Adjudicated Facts, 24 March 2005 ("*Krajišnik* Decision"), para. 14.

⁴⁷ *Karadžić* Decision, para. 16; *Tolimir* Decision, para. 8; *Krajišnik* Decision, para. 14.

⁴⁸ *Karadžić* Decision, para. 16; *Karempera* Appeal Decision, para. 55; *Popović* Decision, para. 8.

⁴⁹ *Karadžić* Decision, para. 16; *Popović* Decision, para. 8

⁵⁰ *Karadžić* Decision, para. 16; *Prosecutor v. Kupreškić et al.*, Case No. IT-95-16-A, Decision on the Motions of Drago Josipović, Zoran Kupreškić and Vlatko Kupreškić to Admit Additional Evidence Pursuant to Rule 115 and for Judicial Notice to be Taken Pursuant to Rule 94(B), 8 May 2001 ("*Kupreškić* Appeal Decision"), para. 12; *Popović* Decision, para. 9.

⁵¹ *Karadžić* Decision, para. 16; *D. Milošević* Appeal Decision, para. 22; *Popović* Decision, para. 10; *Prlić* Decision, paras 12, 19; *Krajišnik* Decision, para. 15.

⁵² *Karadžić* Decision, para. 16; *Bagosora* Appeal Decision, paras 10-11; *Popović* Decision, para. 11; *Stanišić* Decision, para. 43; *Krajišnik* Decision, para. 14; *Prosecutor v. Krajišnik*, Case No. IT-00-39-PT, Decision on Prosecution

- (h) The fact must not relate to the acts, conduct, or mental state of the accused.⁵³ However, the exclusion of proposed facts relating to the acts, conduct, or mental state of the accused does not apply to the conduct of other persons for whose criminal acts and omissions the accused is allegedly responsible through one or more of the forms of responsibility enumerated in the Statute;⁵⁴ and
- (i) The fact must clearly not be subject to pending appeal or review.⁵⁵

12. If a proposed adjudicated fact satisfies all of the above requirements, a Trial Chamber may take judicial notice of it.⁵⁶ However, the power of taking judicial notice under Rule 94(B) of the Rules is discretionary, and the Trial Chamber always retains the right to withhold judicial notice, even when a particular adjudicated fact fulfils all of the requirements, if it determines that taking judicial notice of that fact would not serve the interests of justice.⁵⁷

13. In making the decision to withhold judicial notice, even when the proposed adjudicated fact fulfils the requirements above, a Trial Chamber may take several factors into account. First, proposed facts that go to issues that are at the “core” of the Prosecution’s case should be excluded in the interests of justice.⁵⁸ Second, proposed facts that contain subjective inferences cannot be considered to be of a factual nature and therefore proposed facts that fall into this category have not been granted judicial notice.⁵⁹ Third, facts that are “unduly broad, vague, tendentious or conclusory” are likely to frustrate the principle of judicial economy and are thus not appropriate for judicial notice.⁶⁰ Fourth, judicial notice would be inappropriate where “due to lack of specificity in the original judgement, the Chamber has been unable to readily discern that the fact in question does not refer to the acts, conduct, or mental state of one of the accused before it.”⁶¹

Motions for Judicial Notice of Adjudicated Facts and for Admission of Written Statements of Witnesses Pursuant to Rule 92 *bis*, 28 February 2003 (“*Krajišnik* 28 February Decision”), para. 15.

⁵³ *Karadžić* Decision, para. 16; *D. Milošević* Appeal Decision, para. 16; *Karemera* Appeal Decision, para. 50.

⁵⁴ *Mladić* Decision, para. 8; *Karemera* Appeal Decision, para. 52.

⁵⁵ *Karadžić* Decision, para. 16; *Setako* Appeal Judgement, para. 200; *Krajišnik* Decision, para. 14; *Krajišnik* 28 February Decision, paras 14-15; *Kupreškić* Appeal Decision, para. 12.

⁵⁶ *Karadžić* Decision, para. 16; *Prlić* Decision, para. 12.

⁵⁷ *Karadžić* Decision, para. 16.

⁵⁸ *Popović* Decision, para. 19. See also *Prosecutor v. Stanišić and Župljanin*, Case No. IT-08-91-T, Decision Granting in Part Prosecution’s Motions for Judicial Notice of Adjudicated Facts Pursuant to Rule 94(B), 1 April 2010 (“*Stanišić and Župljanin* Adjudicated Facts Decision”), para. 46.

⁵⁹ *Stanišić and Župljanin* Adjudicated Facts Decision, para. 47.

⁶⁰ *Popović* Decision, para. 16.

⁶¹ *Popović* Decision, para. 18.

C. Discussion

14. The Defence challenged a number of the Prosecution's proposed adjudicated facts on the basis that they do not meet one or more of the requirements set out above. The Trial Chamber, in reaching its decision on each proposed adjudicated fact, has not limited its review to the arguments raised by the Defence, but has also considered whether each fact proposed by the Prosecution meets the requisite requirements for judicial notice. Annex A, attached to this decision, sets out the Trial Chamber's decision on each proposed adjudicated fact. A proposed fact, or portion thereof, that did not meet the requirements set out above has been struck-through and denied judicial notice.

1. Withdrawn documents

15. In relation to judicial notice of the authenticity of a number of documents in Annex B to the Supplemental Motion, the Trial Chamber notes that the Prosecution has withdrawn its request in relation to three documents with the following Rule 65 *ter* numbers: 01662, 02619, and 02856. The Trial Chamber accordingly does not take judicial notice of the authenticity of these documents.

2. Documents already admitted into evidence

16. The Trial Chamber notes that documents with Rule 65 *ter* numbers 00038, 00044, 00049, 00059, 00090, 00108, 00122, 00140, 00141, 00150, 00161, 00162, 00168, 00171, 00182, 00187, 00193, 00206, 00231, 00233, 00237, 00301, 00305, 00398, 00411, 00413, 00463, 00482, 00490, 00501, 00516, 00537, 00562, 00580, 00583, 00602, 00606, 00627, 00657, 00668, 00763, 00915, 01004, 01121, 01200, 01591, 01868, 01989, 02689, and 02814 have been admitted into evidence. It is therefore no longer necessary for the Trial Chamber to entertain the request for judicial notice in respect of these documents.

3. Perišić documents

17. The Trial Chamber finds that any divergence in subject matter between the *Perišić* case and the present case has no bearing on the authenticity of documents from that case. The Trial Chamber notes that the authenticity of the Prosecution's proposed documents from the *Perišić* case were not at issue on appeal.⁶² The Trial Chamber will accordingly take judicial notice of the authenticity of documents from the *Perišić* case, except for Rule 65 *ter* numbers 01662 and 01591, as discussed above, and Rule 65 *ter* number 02048 because it is lacking a full translation.

⁶² See *Prosecutor v. Perišić*, Case No. IT-04-81-A, Judgement, 28 February 2013.

4. Martić documents

18. The Defence objects to a certain number of documents from the *Martić* case on the basis that the sources of these documents are unknown.⁶³ The Trial Chamber does not find that the source of Rule 65 *ter* numbers 00127, 01804, and 01809 are readily apparent and will therefore deny judicial notice of the authenticity these documents.

19. In relation to Rule 65 *ter* number 02987, a seal and signature are visible on the document; a date is therefore not strictly necessary for purposes of taking judicial notice of the document's authenticity under Rule 94(B) of the Rules. The Defence may raise any issue related to the date of the document when the document is tendered for admission into evidence and may make submissions as to the document's weight in its final submissions in these proceedings. The Trial Chamber will accordingly take judicial notice of the authenticity of Rule 65 *ter* number 02987.

20. Rule 65 *ter* number 00307 appears not to exist in eCourt; there is therefore no document whose authenticity the Trial Chamber can take judicial notice. Rule 65 *ter* number 00306 (a "duplicate", according to the Prosecution, of Rule 65 *ter* number 00307) is available in eCourt, and the Trial Chamber will take judicial notice of its authenticity.

5. Mrkšić et al. documents

21. Concerning documents from the *Mrkšić et al.* case, the Trial Chamber finds it appropriate to judicially notice the authenticity of documents relating to operations around Vukovar. The Defence objections are based on the scope of the indictment in the *Mrkšić et al.* case and are inapposite to the issue of authenticity. Nevertheless, the Trial Chamber will not take judicial notice of the authenticity of documents that are illegible or unable to be situated in any context. The Trial Chamber will therefore not take judicial notice of the authenticity of Rule 65 *ter* number 00083. The Trial Chamber will also not take judicial notice of the authenticity of documents that are irrelevant to allegations in the Indictment or lacking translations. The Trial Chamber will accordingly not take judicial notice of the authenticity of Rule 65 *ter* numbers 02692 and 02985.

D. Disposition

22. Accordingly, the Trial Chamber, pursuant to Rule 94(B) of the Rules, hereby:

- (a) **GRANTS** the Prosecution leave to file the Reply;
- (b) **GRANTS** the Motion in part;

- (c) **TAKES JUDICIAL NOTICE** of the proposed adjudicated facts, or portions thereof, as indicated in attached Annex A, in the manner formulated therein;
- (d) **TAKES JUDICIAL NOTICE** of the authenticity of the documents as indicated in attached Annex B; and
- (e) **INSTRUCTS** the Registry to take all appropriate and necessary measures to implement this Decision.

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

Done this twenty-third day of May 2013,
At The Hague,
The Netherlands.



Judge Guy Delvoie
Presiding

[Seal of the Tribunal]

⁶³ Response, para. 17, referring to Rule 65 *ter* numbers: 00127, 01200, 01804, and 01809.

Annex A: Decisions on Proposed Adjudicated Facts

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
I. Adjudicated Facts Related to Historical, Geographical and Political Background				
1	As a result of the elections [held in April and May 1990], the Serbian Democratic Party ("SDS") gained power in the municipalities of Benkovac, Donji Lapac, Gračac, Glina, Korenica, Knin, Obrovac, and Vojnić.	Martić TJ, para. 127	No specific objection	Judicially noticed.
2	On 21 December 1990 the Croatian Serbs announced the creation of a Serbian Autonomous District of Krajina, which on 19 December 1991 proclaimed itself the Republic of Serbian Krajina and appointed its own president.	Gotovina TJ, para. 2	The paragraph from the Gotovina TJ, para. 2, begins with the phrase "[A]ccording to the Indictment..." and it is unclear whether the Trial Chamber in the second sentence containing the proposed fact, was making its own finding of fact, or continuing with a recitation of the Indictment. In any event a prefatory paragraph from a judgement about responsibility of Croatian military personnel for events in 1995 is not an appropriate basis for receiving adjudicated facts about events in the Serbian part of Croatia in 1991. Further, the formulation "Croatian Serbs" is vague. The fact is inadmissible on Grounds B (distinct, concrete, and identifiable) and D (misleading in the context in which it is placed in the moving party's motion), or inappropriate as unduly broad and vague (third discretionary factor).	Denied on Ground B (distinct, concrete, and identifiable) because it is not a finding of fact.
3	On 22 December 1990, the Parliament of Croatia adopted a new constitution, wherein Croatia was defined as "the national state of the Croatian nation and a state of members of other nations and minorities who are citizens: Serbs [...] who are guaranteed equality with citizens of Croatian nationality [...]". The Serb population in the Krajina region considered that by the adoption of the new constitution, they had been deprived of the right to be a constituent nation in Croatia, which would include the right of self-determination.	Martić TJ, para. 130	The proposed fact grossly over-simplifies a complex issue that may well be relevant in this case, even if not particularly salient to the Martić case. The Chamber should exercise its discretion against this fact as unduly broad, general, conclusory and vague (third discretionary factor).	Judicially noticed.
4	In 1991 the Socialist Federal Republic of Yugoslavia (SFRY) experienced a series of events which culminated in the break-up of the six republic federal state. These events involved initially a quest for autonomy by the Republics of Slovenia and Croatia, notwithstanding provisions of the federal constitution.	Mrkšić TJ, para. 20	The proposed fact grossly over-simplifies a complex issue that may well be relevant in this case, even if not particularly salient to the Martić case. The Chamber should exercise its discretion against this fact as unduly broad, general, conclusory and vague (third discretionary factor).	Judicially noticed.
5	In March 1991, there were armed clashes in Pakrac in Western Slavonia and in Plitvice, located between Titova Korenica and Saborsko, between Croatian MUP special police forces and the police of the SAO Krajina. In both of these clashes, the JNA intervened to separate the two sides.	Martić TJ, para. 132	No specific objection	Judicially noticed. Addition in bold made for clarity.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
6	<p>By early 1991 the attitude of both the political leadership and the general public in Croatia became increasingly hostile towards the JNA. Of course, The JNA had been constituted as the national military force of the Yugoslav federation, but it had come to be typically perceived in Croatia as aligned with Serb interests and effectively commanded from Belgrade by a Serb dominated leadership. In the course of 1991 many Croat and other non-Serb officers and men of the JNA left the JNA, in many cases to take up arms against the JNA in Croatia.</p>	Mrkšić TJ, para. 23	No specific objection	Judicially noticed except for struckthrough portion.
7	<p>In March 1991 Croatian forces “blocked”, <i>i.e.</i> effectively blockaded, the JNA barracks in [the Croatian towns of] Bjelovar and Varaždin. Increasingly acts of hostility or aggression were manifested against JNA personnel in various parts of Croatia. By July-August 1991 a general strategy was adopted to block JNA barracks on Croatian territory by cutting off water, electricity, food supply, and communications to the JNA barracks. [[The blocking of the JNA barracks in areas under Croatian control appeared to be a strategy often preferred by the Croat forces who were less numerous and largely unarmed at the time.</p>	Mrkšić TJ, para. 23	The paragraph is accepted for judicial notice except for the speculation that Croat forces “were less numerous and largely unarmed at the time.” That portion of the sentence appears to simply be an inference arising from the nature of the tactic – blockading instead confronting. The fact should be accepted without the inclusion of this speculative inference.	Judicially noticed except for the struckthrough portion, which falls on the second discretionary factor (subjective inference).
8	<p>[In the spring of 1991] “Ustashes” once again came to be a term frequently used by Serbs to describe Croats [in various parts of Eastern Slavonia]. It is a derogatory reference back to bitter WWII conflicts when it was generally used as a reference to Croatian Nazi forces.</p>	Mrkšić TJ, para. 24 and fn. 31	The term “Ustashes” may have multiple meanings depending on the speaker and depending on the person referred to. The question is complex and would require an examination of all references to the term used in the Mrkšić Judgement to give a fair account of its meaning. In any event, the implication that it is unambiguously a “derogatory” references to “Croats” in general, as the passage seems to imply, would be a claim that relates directly to the mental state of the [sic] Mr. Hadžić, since he used that term, and would be relevant to a core issue in the case. The sentence is therefore inadmissible on Grounds D (unclear or misleading in context of the motion) and H (acts, conduct, and mental state of accused) and relates to a core issue (first discretionary factor).	Judicially noticed.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
9	<p>[In the spring of 1991] the media also influenced these events. Belgrade television came to portray Croats indiscriminately as “bloodthirsty Ustashes,” while the Zagreb media began to present Serbs as drunken violent “Chetniks.”</p> <p>Politicians on both sides engaged in propaganda, misrepresenting the other side’s activities.</p> <p>Political and military leaders in Belgrade started talking about “the threat of neonazism” and “fascism” to Serbian people in Croatia and the need to prevent “annihilation,” “biological extermination,” and “genocide” against the Serbian people. On the other hand, Serbian people in Croatia were sometimes proclaimed “Serbian rebels” by Croatian political leaders and their failure to accept the new Croatian government and to allow official Croat bodies to perform their functions was used as an excuse to carry out attacks on some predominately Serb populated villages.</p>	Mrkšić TJ, para. 25	<p>The Defence objects to the 3rd and 4th sentences. The “policital and military leaders in Belgrade” are not identified in this passage, thereby depriving it of the necessary specificity in respect of a description that may encompass individuals who are alleged to be in a JCE with Mr. Hadžić. Further, the “politicians” may be taken as encompassing Mr. Hadžić himself – or at least the passage is not clear that it excludes him, precisely the concern expressed in the Popovic Adjudicated Facts Decision, para 18. The 3rd and 4th sentences are therefore inadmissible on Ground D (unclear or misleading in the context of the motion), and should be excluded as being unduly broad, tendentious and conclusory (third discretionary factor), and because it is impossible to discern whether it refers to Mr. Hadžić’s actions or mental state (Ground H), or the mental state or actions of members of the alleged JCE.</p>	Judicially noticed except for the struckthrough portion, which falls on the fourth discretionary factor (may refer to acts, conduct, or mental state of the accused).
10	<p>At least generally speaking, Serbs living in Croatia did not participate in the referendum [held in mid May 1991 and organized by the Croatian government].</p>	Mrkšić TJ, para. 20	No specific objection	Judicially noticed.
11	<p>[Following the 2 May 1991 incident in Borovo Selo where twelve Croatian policemen and three Serb civilians were killed], a series of acts were directed against Serbs or pro-Serbs interests. In western Croatia, on 6 May 1991, a JNA soldier was strangled in Split in front of TV cameras. A report of the Federal Secretariat for National Defence to the SFRY Presidency of 8 August 1991 indicated that from 9 May until 4 August 1991, 340 attacks against JNA units and members in Croatia were carried out, in which six JNA soldiers and officers were killed and 83 were wounded.</p>	Mrkšić TJ, para. 26	No specific objection	Judicially noticed.
12	<p>[Around the time of the 12 May 1991] [b]oth Milan Babić and Milan Martić publicly expressed views that SAO Krajina belonged with Serbia.</p>	Martić TJ, para. 134	<p>The passage in the Martić Judgement relies in part on an Agreed Fact in reaching this statement, and also relies on an exhibit that does not correspond to the proposition adopted by the Trial Chamber. The proposed fact is therefore inadmissible under Ground G (fact based on agreement between the parties) and is, in any event, vague, conclusory and tendentious (third discretionary factor).</p>	Judicially noticed.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
13	On 29 May 1991, the SAO Krajina government was established with Milan Babić as President. Milan Babić appointed Milan Martić as Minister of Defence. On 27 June 1991 Upon his appointment as Minister of Interior, Milan Martić withdrew from his position as Minister of Defence.	Martić TJ, para. 135	The second sentence is misquoted. The Trial Chamber starts the sentence with the highlighted passage with the prefatory words "According to Milan Babić...." This cannot necessarily be taken to be a finding of fact by the Trial Chamber. The passage is also misleading by not indicating, as the Judgement does elsewhere, why he allegedly "withdrew" and what other duties he may have taken up that might be relevant to the truth or falsity of that claim. The second sentence is therefore inadmissible on Grounds C (differs substantially from original formulation) and D (unclear or misleading in context of motion).	Judicially noticed except for the struckthrough portion, which falls on Ground B (distinct, concrete, and identifiable) as it is not a finding of fact. Change in bold made for the sake of clarity.
14	By the time Croatia declared independence on 25 June 1991, an armed conflict had erupted in certain areas of Croatia between the JNA and other Serb forces on the one hand and the Croat armed forces on the other. By the end of 1991, the JNA and various Serb forces controlled approximately one third of the territory of Croatia.	Gotovina TJ, para. 2	The passage is misquoted. The passage in context is preceded by the phrase "According to the Indictment....," indicating that this is not a fact as found by the Chamber, but rather a summary of the content of the Indictment. In addition, a prefatory paragraph from a judgement about responsibility of Croatian military personnel for events in 1995 is not an appropriate basis for receiving adjudicated facts about events in the Serbian part of Croatia in 1991. The fact is inadmissible on Grounds B (distinct, concrete, and identifiable) and D (unclear or misleading in context of motion) or inappropriate as unduly vague (third discretionary factor).	Denied on Ground B (distinct, concrete, and identifiable) because it is not a finding of fact, but rather a recitation of indictment in <i>Gotovina</i> .
15	The President of Serbia, Slobodan Milošević, publicly supported the preservation of Yugoslavia as a federation of which, <i>inter alia</i> , the SAO Krajina would form a part. However, Slobodan Milošević covertly intended the creation of a Serb state.	Martić TJ, para. 329	The Prosecution asserts that this paragraph is relevant to the "relationship between JCE members." For that purpose, reception of this fact would be manifestly inappropriate as going to the core issue in this case (first discretionary factor). Further this fact is both vague and misleading when removed from its context: the sentences that follow suggest that the Trial Chamber was not clear as to the date when Milošević formed this supposed covert intention. The assertion is also "unduly broad, vague, tendentious, and conclusory" (third discretionary factor). On Ground D (unclear or misleading in context of motion) and the first and third discretionary factors, the highlighted passage is both inadmissible, and its admission would not be in the interests of justice.	Judicially noticed except for the struckthrough portion, which falls on the first discretionary factor (core issue).

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
16	<p>Through the summer of 1991, the objective of the JNA was to protect the Serbs against attacks by Croatian armed formations and prevent occupation of cities under Serb control. At the end of the summer 1991 and coinciding with the attack on Kijevo, the JNA became an active participant in Croatia on the side of the SAO Krajina. According to the SFRY Federal Secretary for Defence, General Veljko valé [sic], the task of the JNA became one of protecting “the Serb people in Croatia in such a way that all regions with a majority Serb population would be completely freed from the presence of the Croatian army and the Croatian authorities”. Veljko Kadjević also noted that among “the principal ideas” behind the deployment of the JNA during the second phase was “full co-ordination with Serb insurgents in the Serbian Krajina”.</p>	Martić TJ, para. 330	<p>The second sentence asserts a legal conclusion that is contested in this case: the date of the commencement of the armed conflict. The adoption of the phrase “active participant” implies a conclusion about the start of the armed conflict, which is itself a constituent legal element of crimes under Article 3 and 5 of the Statute. The second sentence is therefore inadmissible on Ground F (characterisations of an essentially legal nature). The third sentence is objected to on the ground that it is not an adjudicated fact by the Trial Chamber, but merely a recitation of a statement by a witness. Further, it is not even a complete statement in context, but merely a passage as deemed necessary by that Trial Chamber for its purposes. This is an obvious attempt to circumvent the admissibility standards in the Rules and Procedure and Evidence, and should be rejected. The statement is inadmissible on Grounds B (distinct, concrete, and identifiable) and D (unclear or misleading in the context of the motion).</p>	<p>Judicially noticed except for the struckthrough portion, which falls on Ground B (distinct, concrete, and identifiable) because it is a recitation of the evidence.</p>
17	<p>The SAO Krajina, and subsequently the RSK, leadership endorsed Slobodan Milošević’s vision to create a Serb dominated state. In early July 1991, Milan Martić stated that the <i>Milicija Krajine</i> were “defending Serbian land and the Serbs’ ethnic area”. Similarly, on 19 August 1991 Milan Martić stated that he would accept no autonomy and that “the territories controlled by the police and the Territorial Defence of the Serbian Autonomous Region of Krajina will forever remain Serbian”. Milan Babić embraced the same view, stating on 5 September 1991 that “the Serbs are recognised in every part of Yugoslav State territory as a nation, which they will continue to be [w]ithin the part of the state that remains as a whole following the secession of the former Socialist Republic of Croatia’s real territory and all Slovenia.” On 12 December 1991, Milan Martić stated that “nobody [...] has the right to deny the Serbian people the right to live in their own country”.</p>	Martić TJ, para. 333	<p>The passage goes to core aspects of the Prosecution case, including its characterization of the objective of the joint criminal enterprise. These are matters that ought to be fully and properly litigated before this Trial Chamber, rather than introduced through the back door of judicial notice. The insertion of these disparate quotations in one passage would not be an appropriate manner of introducing the statements of Milan Martić and Milan Babić into this case. Further, the reference to “RSK leadership” may arguably be a reference to Goran Hadžić himself. The passage is therefore inadmissible on Grounds B (distinct, concrete, and identifiable), D (unclear or misleading in the context of the motion), F (characterisations of an essentially legal nature), and H (acts, conduct, or mental state of the accused), and should not be received because it concerns core matters in this case (first discretionary factor), including the alleged objective of the alleged JCE, potentially concerns the mental state of Goran Hadžić himself, and is tendentious.</p>	<p>Judicially noticed except for the struckthrough portion, which falls on the fourth discretionary factor (may refer to acts, conduct, or mental state of the accused) because the reference to “leadership” may include Hadžić.</p>
18	<p>On 3 July 1992, Milan Martić criticised the presidents of the Banija and Kordun municipal assemblies for their decision to form autonomous districts because the RSK had “paid in blood the corridor we won and [linked] up Serbian territories”.</p>	Martić TJ, para. 334	<p>The introduction of a quotation from a person in this manner is a bald-faced attempt to circumvent the admissibility standards in the Rules and should be rejected as inadmissible on Ground B (distinct, concrete, and identifiable).</p>	<p>Judicially noticed.</p>

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
19	At a meeting on 14 June 1993 with Cedric Thornberry, the UNPROFOR Director of Civil Affairs, Milan Martić stated that the “joint life of Croats and Serbs in one State is impossible because of genocide politic [sic] of Croatia. We want to separate in 2 states [...] I am convinced that we will be good neighbors as separate states.”	Martić TJ, para. 334	The statement is not a finding of fact but a recitation of a piece of evidence. The evidence itself is hearsay which requires, in particular, that the source thereof and the statement itself be understood in context. Introduction of the adjudicated fact in this case would decontextualize it of that evidence and is an obvious attempt to circumvent the usual principles of evidence that would govern the reception and treatment of hearsay evidence. In addition, to the extent that Milan Martić is alleged to also be a member of the JCE with Goran Hadžić and there is a reference to “we,” the statement is ambiguous as to whether it concerns the acts, conduct or mental state of Mr. Hadžić. The proposed “adjudicated fact” is inadmissible on Grounds B (distinct, concrete, and identifiable), D (unclear or misleading in the context of the motion), H (acts, conduct, or mental state of the accused) and on the 1st (core issue), 3rd (unduly broad, vague, tendentious, or conclusory), and 4th (unclear whether reference is made to acts, conduct, or mental state of accused) factors.	Judicially noticed.
20	Efforts to unify the Croatian Krajina and the Bosnian Krajina continued throughout 1992 until 1995. [T]he RSK leadership sought an alliance, and eventually unification, with the RS in BiH and [I] Milan Martić was in favour of such unification. A letter dated 3 April 1993 from, <i>inter alia</i>, Milan Martić as Minister of the Interior to the Assembly of the RS, written on behalf of “the Serbs from the RSK”, advocates a joinder of the “two Serbian states as the first stage in the establishment of a state of all Serbs”.	Martić TJ, para. 335	The passage is ambiguous as to whether it concerns the acts, conduct or mental state of Mr. Hadžić and therefore is inadmissible on Ground H (acts, conduct, or mental state of accused) and the 4th factor (unclear whether reference is made to acts, conduct, or mental state of accused) set out in the Response disfavoured admission.	Denied on the fourth discretionary factor (may refer to acts, conduct, or mental state of the accused) as “leadership” and “ <i>inter alia</i> ” might refer to Hadžić.
21	As Minister of the Interior, Milan Martić was kept informed concerning the activities of the SJBs and maintained “excellent communications” with the units subordinated to the MUP. [I]nformation concerning military activities during the autumn of 1991 was sent to Milan Martić. Moreover, information regarding crimes committed in the SAO Krajina and the RSK was regularly reported to Milan Martić. In particular, police inspectors, who carried out investigations into crimes on the ground, reported to the MUP and Milan Martić during the time period of 1991 to 1995 pursuant to reporting regulations. [C]rimes committed in the territory of the RSK [...] were discussed at government sessions. [T]here were numerous contacts between UNPROFOR and the RSK government, including the SJBs, regarding crimes committed on the ground by members of the MUP.	Martić TJ, para. 337	The passage cited is preceded by the words “Several witnesses testified...” implying that the content thereof may or may not be a factual finding of the Chamber, or may have been a finding not unambiguously or fully accepted. The second-last sentence goes directly to the mental state of Mr. Hadžić, potentially implying that he had knowledge of crimes in the territory of the RSK based on the content of these meetings. The passage is therefore inadmissible on Ground H (acts, conduct, or mental state of accused), and also goes to the core of the Prosecution case, such that it is disfavoured by the 1st (core issue) and 4th (unclear as to whether fact refers to acts, conduct, or mental state of accused) factors set out in the Response.	Judicially noticed except for the struckthrough portion, which falls on the fourth discretionary factor (may refer to acts, conduct, or mental state of the accused) as “RSK government” and “government sessions” may implicate Hadžić.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
II. Adjudicated Facts Relating to the Events in the SAO Krajina in 1991				
22	Armed clashes erupted between Serbs and Croats from April 1991 in the territory of Croatia. The police and local people from both sides participated in the hostilities.	Martić TJ, para. 344	The proposed fact contains no specificity as to location and is tantamount to a legal finding on an issue that is contested in this case – the date of the commencement of armed conflict in the relevant territory. The fact is inadmissible on Grounds D (unclear or misleading in context of the motion) and F (characterisation of an essentially legal nature) and should not be admitted as a “core” issue in this case (first discretionary factor).	Judicially noticed.
23	From around June 1991 through December 1991, military operations and raids were carried out against predominantly Croat villages in the SAO Krajina, including by the <i>Milicija Krajine</i> , the JNA and the TO. The attacked villages included Potkonije, Vrpolje, Glina, Kijevo, Drniš, Hrvatska Kostajnica, Cerovljani, Hrvatska Dubica, Baćin, Saborsko, Poljanak, Lipovača, Škabrnja, Nadin and Bruška. Villagers were left with no choice but to flee. During or immediately after the attacks, villagers who stayed behind were killed and beaten. Private and public property, including churches and schools, were destroyed and looted. Hundreds of Croat and other non-Serb civilians and members of Croatian armed forces and formations were captured during and after the attacks and were detained in Knin and other locations, where they were subjected to severe mistreatment. Moreover, grave discriminatory measures were taken against the Croat population throughout 1991.	Martić TJ, para. 349	The phrase “villagers were given no choice but to flee” is tantamount to a legal conclusion of forcible transfer, as are the findings concerning destruction, looting, and mistreatment. All of these express findings that would, in substance, fulfill the essential requirements of the crimes for which Mr. Hadžić is alleged to be criminally responsible. The phrase is also vague as to which attacks occurred within the entire range of “June 1991 through December 1991.” The precise date within that range of the commencement of an armed conflict is a live issue in the present case and the proposed fact is vague in that regard. The whole passage is inadmissible on Grounds D (misleading in context of motion) and F (characterisations of an essentially legal nature), and disfavoured by the 1st (core issues) and 3rd (unduly broad, vague, tendentious, or conclusory) factors set out in the Response.	Judicially noticed except for struckthrough portion, which falls on Ground F (characterisation of an essentially legal nature).
24	From June 1991, military operations were carried out by the SAO Krajina police, including the <i>Milicija Krajine</i> , the JNA and the TO against predominantly Croat villages, including Lovinac, Ljubovo, Glina, and Struga. This further raised the tensions. In August 1991, Croat civilians were displaced from the areas of Knin and Glina to areas under Croatian control.	Martić TJ, para. 426	The term “displaced” implies a legal conclusion concerning forcible transfer. The fact, in itself and without context, implies that attacks were directed against “villages,” which also implies a legal conclusion about the illegality thereof by forces who are alleged in the Indictment as being subordinated to Goran Hadžić. The passage is also vague as to time (“from June 1991”) in respect of an issue, the commencement of an armed conflict, that requires precision. The transposition of this vague fact to this case is therefore inappropriate and misleading. The passage is inadmissible on Grounds D (unclear or misleading in context of motion) and F (characterisation of an essentially legal nature) and is disfavoured by the 1st (core issues) and 3rd (unduly broad, vague, tendentious, conclusory) factors set out in the Response.	Judicially noticed except for the struckthrough portion, which falls on Ground F (characterisation of an essentially legal nature).

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
25	<p>On 1 August 1991, the SAO Krajina government decided to apply the Law on Defence of Serbia in the SAO Krajina. Accordingly, the <i>Milicija Krajine</i> units together with the TO made up the armed forces of the SAO Krajina. [T]he TO used JNA solid-colour uniforms with patches reading "SAO Krajina" in Cyrillic, on the sleeve. Milan Babić, as President, was the Commander of the TO of the SAO Krajina. Milan Martić was appointed Deputy Commander of the TO of the SAO Krajina, in which position he remained until 30 September 1991. He continued to hold the position of Minister of the Interior while he was Deputy Commander of the TO.</p>	<p>Martić TJ, para. 137</p>	<p>Given the scope of the Indictment, the proposed fact is irrelevant and therefore inadmissible under Ground A (relevance).</p>	<p>Judicially noticed.</p>
26	<p>[In the SAO Krajina], [t]he Public Security Service was responsible for maintaining law and order. The SDB handled political crime, terrorism, extremism, and intelligence work. The <i>Milicija Krajine</i> units defended the territorial integrity of the [SAO Krajina], secured vital facilities, infiltrated sabotage groups, and could also be used in military operations. The <i>Milicija Krajine</i> units wore patches on the sleeves of their uniforms reading in Cyrillic "Milicija Krajine".</p>	<p>Martić TJ, para. 135, fn. 270</p>	<p>Given the scope of the Indictment, the proposed fact is irrelevant and therefore inadmissible under Ground A (relevance).</p>	<p>Judicially noticed.</p>
27	<p>The SAO Krajina budget was very small as a result of Croatia having ceased to provide budget allocations to Serb municipalities in May 1991. The SAO Krajina government, including Milan Martić, sent requests to the government of Serbia for military assistance and the evidence shows that these requests were frequently met. The police of the SAO Krajina were mainly financed with funds and material from the MUP and SDB of Serbia. Moreover, there is evidence that weapons were sent from Serbia by Radmilo Bogdanović via Bosanski Novi, BiH, to the SAO Krajina. Beginning at the end of April 1991, Dušan Smiljanić, Chief of Security of the JNA 10th Zagreb Corps, made contact with leading figures in the SDS in the SAO Krajina and provided large amounts of infantry and artillery weapons to Serbs in Krajina from JNA depots.</p>	<p>Martić TJ, para. 141</p>	<p>Given the scope of the Indictment, the proposed fact is irrelevant and therefore inadmissible under Ground A (relevance).</p>	<p>Judicially noticed.</p>
28	<p>As early as August 1990 and through the summer of 1991, officials of the MUP of Serbia, including the Chief of the SDB, Jovica Stanišić, and an official thereof, Franko "Frenki" Simatović, met with the SAO Krajina leadership, in particular with Milan Martić, concerning the provision of financial, logistical and military assistance. From January 1991, Milan Martić went on occasion to Belgrade to meet with these officials and with Radmilo Bogdanović, the Minister of the Interior of Serbia, concerning the provision of support to the SAO Krajina.</p>	<p>Martić TJ, para. 140</p>	<p>Given the scope of the Indictment, the proposed fact is irrelevant and therefore inadmissible under Ground A (relevance).</p>	<p>Judicially noticed.</p>

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
29	<p>Beginning in 1990, Croat businesses and properties were blown up in Knin and there was constant pressure on the local Croat population. From around April 1991, discriminatory policies were applied against Croats, and Croat houses in the Knin area were searched for weapons. Following the fighting in the Hrvatska Kostajnica, Knin and Glina areas in August 1991, Croat civilians began to leave their homes to go to Zagreb, Sisak and other places.</p>	Martić TJ, para. 296	<p>The characterization that there was “constant pressure on the local Croat population” and especially that “discriminatory policies” applied against Croats are tantamount to findings of persecution and to the fulfillment of the main condition for forcible transfer. They are findings in respect of crimes for which Mr. Hadžić is said to be criminally responsible. Further, the finding is unduly vague and undefined, applying broadly to the period “from around April 1991” onwards, whereas the date may be highly germane to the present proceedings in respect of the criminal responsibility of Mr. Hadžić. The fact is inadmissible on Grounds D (misleading in context of motion) and G (based on agreement between the parties) and disfavoured by the 1st (core issue) and 3rd (unduly broad, vague, tendentious, or conclusory) factors set out in the Response.</p>	<p>Judicially noticed except for the struckthrough portion, which falls on Ground F (characterisation of an essentially legal nature).</p>
30	<p>Due to the situation prevailing in the Knin area, the Croat population began to fear for their safety and began requesting authorisation from the RSK authorities to leave the RSK territory. The insecurity of the Croats was also aggravated by speeches of Milan Martić on the radio that he could not guarantee their safety, particularly in the area of Knin.</p>	Martić TJ, para. 297	<p>The passage is vague as to time, but may relate to 1992 and 1993, and therefore directly concerns the acts and mental state of an alleged member of the alleged JCE with Goran Hadžić. The fact is also tantamount to a legal conclusion concerning forcible transfer in respect of an extremely broad and undefined population over a two year period. These are matters upon which specific evidence should be heard in this case given the nature of the issues arising here. The proposed fact is inadmissible on Grounds D (unclear or misleading in context of motion), F (characterisation of an essentially legal nature) and H (acts, conduct, or mental state of the accused), and disfavoured as a “core” issue in the present case, and is unduly broad and vague.</p>	<p>Denied on the third discretionary factor (unduly, broad, vague, tendentious, or conclusory), as the time period is unknown, and on the fourth discretionary factor (may reference acts, conduct, or mental state of the accused) as it is unclear whether “RSK authorities” refer to Hadžić.</p>
31	<p>In early September 1991, Milan Martić was arrested and detained for one to two days by the police in Otoka, close to Bosanska Krupa in BiH, which was a mostly Muslim area. The evidence shows that there was strong coordination between the leaderships of the SAO Krajina, Serbia and BiH, through Milan Babić, Slobodan Milošević, Radovan Karadžić, and Jovica Stanišić, in securing Milan Martić’s release.</p>	Martić TJ, para. 143	<p>The arrest of Martić is, per se, irrelevant to the present case. The alleged “strong coordination” is not as much a finding of the Trial Chamber as a recitation of what “the evidence shows”. The nature of that coordination is a matter that ought to be shown through the documents footnoted at the end of the second sentence, rather than by way of an adjudicated fact that obscures that evidence. The fact is inadmissible on Grounds A (relevance), B (distinct, concrete, and identifiable) and D (unclear or misleading in context of the motion).</p>	<p>Denied on Ground B (distinct, concrete, and identifiable) because it is not a finding of fact.</p>

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
32	<p>In early 1991, the SUP in Knin established a training camp in Golubić, a small village located approximately 9 kilometres north of Knin, because Milan Martić wanted properly trained police officers. There is evidence that this training camp still existed in 1993. The training camp was run and funded by the MUP of the SAO Krajina and by the MUP and SDB of Serbia. Furthermore, there is evidence that Milan Martić visited the camp. Captain Dragan Vasiljković from the SDB of Serbia trained special purpose units at the Golubić camp and was paid for this service by the SDB of Serbia.</p>	Martić TJ, para. 144	<p>The fact goes directly to the actions of an alleged member of the alleged JCE with Mr. Hadžić , and also concerns actions and training of individuals who are either alleged to also be members of the JCE, or who are alleged to be subordinates of Mr. Hadžić , and for whose acts he is alleged to be criminally responsible. The fact is therefore inadmissible on Ground H (acts, conduct, or mental state of the accused) and directly concerns core issues in this case, including “the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible.” <i>Stanišić and Zuljjanin</i> Adjudicated Facts Decision, para. 46.</p>	<p>Judicially noticed except for the struckthrough portion, which falls on Ground B (distinct, concrete, and identifiable) because it is not a finding of fact.</p>
33	<p>The training in Golubić included: drill practice, ambush training, ideological training geared towards loyalty to the state, not political parties, weapons training (including artillery training, mining training, sniper shooting and target practice), physical exercise, training in the securing of persons, self-protection and abseiling. On average the training lasted for approximately 20 days.</p>	Martić TJ, para. 145	<p>The fact goes directly to the actions of an alleged member of the alleged JCE with Mr. Hadžić , and also concerns actions and training of individuals who are either alleged to also be members of the JCE, or who are alleged to be subordinates of Mr. Hadžić , and for whose acts he is alleged to be criminally responsible. The fact is therefore inadmissible on Ground H (acts, conduct, or mental state of accused) and directly concerns core issues in this case, including “the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible.” <i>Stanišić and Zuljjanin</i> Adjudicated Facts Decision, para. 46.</p>	<p>Judicially noticed.</p>
34	<p>The trainees [at Golubić] wore blue camouflage uniforms, which were different from ordinary police uniforms. There is evidence that some trainees wore a patch on their sleeve, which was semi-circular with the words <i>Milicija Krajine</i> and the Serbian tricolour. The training groups consisted of between 40 and 100 trainees per group. The men who had trained at Golubić set up further units and trained people in their municipalities.</p>	Martić TJ, para. 146	<p>The fact goes directly to the actions of an alleged member of the alleged JCE with Mr. Hadžić , and also concerns actions and training of individuals who are either alleged to also be members of the JCE, or who are alleged to be subordinates of Mr. Hadžić , and for whose acts he is alleged to be criminally responsible. The fact is therefore inadmissible on Ground H (acts, conduct, or mental state of the accused) and directly concerns core issues in this case (first discretionary factor), including “the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible.” <i>Stanišić and Zuljjanin</i> Adjudicated Facts Decision, para. 46.</p>	<p>Judicially noticed except for the struckthrough portion, which falls on Ground B (distinct, concrete, and identifiable) because it is not a finding of fact.</p>

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
35	[G]roups trained in Golubić were, in some instances, referred to as Martić's Men or Martić's Police (<i>Martićevci</i>).	Martić TJ, para. 148	The fact goes directly to the actions of an alleged member of the alleged JCE with Mr. Hadžić , and also concerns actions and training of individuals who are either alleged to also be members of the JCE, or who are alleged to be subordinates of Mr. Hadžić , and for whose acts he is alleged to be criminally responsible. The reference to "some instances" is extremely vague in respect of a fact whose specificity might be important in this case. The fact is therefore inadmissible on Ground H (acts, conduct, or mental state of the accused) and directly concerns core issues (first discretionary factor) in this case, including "the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible." <i>Stanišić and Zuljjanin</i> Adjudicated Facts Decision, para. 46.	Judicially noticed.
36	[U]nits that had been trained at Golubić were also called the Special Police, Specials, Specialists or Special Purpose Units of the Krajina police.	Martić TJ, fn. 318	The fact goes directly to the actions of an alleged member of the alleged JCE with Mr. Hadžić , and also concerns actions and training of individuals who are either alleged to also be members of the JCE, or who are alleged to be subordinates of Mr. Hadžić , and for whose acts he is alleged to be criminally responsible. The fact is therefore inadmissible on Ground H (acts, conduct, or mental state of accused) and directly concerns core issues in this case (first discretionary factor), including "the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible." <i>Stanišić and Zuljjanin</i> Adjudicated Facts Decision, para. 46.	Judicially noticed.
37	[Upon the creation of the RSK], the TO constituted the armed forces of the RSK.	Martić TJ, para. 149	No specific objection	Judicially noticed.
A. Armed Attacks, Expulsions, Looting and Discriminatory Measures				
38	Sometime before June 1991, about 60 members of the SAO Krajina police raided the small Croat villages of Potkonje and Vrpolje located in the municipality of Knin, allegedly to locate a radio transmitter. Nobody was killed in this action, however the incident caused the civilian population to leave the area.	Martić TJ, fn. 383	The fact was not distinctly "adjudicated": the Trial Chamber prefaces the statement, which appears only in a footnote, that "there is evidence that..." which implies that it was not necessarily accepted by the Trial Chamber as true beyond a reasonable doubt, at least in respect of all particulars. This impression is reinforced by the word "allegedly." The passage also omits the following sentence, which makes reference to the discovery of 60 automatic rifles in the town, thus casting doubt on the claim that the purpose was, as claimed, "to locate a radio transmitter." The fact is inadmissible on Grounds B (distinct, concrete, and identifiable) and D (unclear or misleading in context of the motion) and, in the Chamber's own presentation, appears to be a "subjective inference" rather than a found fact.	Denied on Ground B (distinct, concrete, and identifiable) because it is not a finding of fact.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
39	In June 1991, there was a Croatian SJB in Lovinac, in Gračac municipality north-west of Knin, and as a consequence the village was attacked by the police of the SAO Krajina.	Martić TJ, para. 163	The fact is based decisively on the testimony of Milan Babić, whose testimony is being tendered by the Prosecution in this case and which should be read in context, rather than just extracting the conclusion. A fairer approach to this fact, whose presentation to the court requires no additional court time, is for the Prosecution to rely on that testimony rather than relying on an adjudicated fact from another case to ratify the proposition it proposes to make on the basis of written testimony in this case. The fact goes directly to a live issue in this case, namely the intensity of the armed conflict. The fact is inadmissible on Grounds B (distinct, concrete, and identifiable) and D (unclear or misleading in the context of the motion).	Judicially noticed except for struckthrough portion.
40	On 2 July 1991, the village of Ljubovo, south-west of Titova Korenica, was attacked by the <i>Milicija Krajine</i> because members of the Croatian MUP had stationed themselves there following the conflict in Plitvice. In public statements, Milan Martić said that this attack was carried out because an ultimatum of the SAO Krajina government had expired which required that all members and units of the Croatian MUP withdraw from the SAO Krajina territory and because of arrests and mistreatment by Croats of Serbs in the area of Lika.	Martić TJ, para. 164	The fact is objectionable to the extent that it vaguely uses the term "attack," which presumes a conclusion about the intensity of violence, and to the extent that it implies that the attack was on the village itself, which could be misread as implying an attack against civilians or an indiscriminate attack. The fact is inadmissible on Grounds D (unclear or misleading in context of motion) and F (characterisations of an essentially legal nature). The subject also concerns an issue, the commencement of the armed conflict, that is in this case an important issue whereas it may not have been in the Martić case, and may not, therefore, have been challenged adequately by the Defence. Also concerns the actions of other alleged members of the alleged JCE and/or individuals for whom Goran Hadžić is alleged to be criminally responsible.	Judicially noticed.
41	In mid-July 1991, the town of Glina, located in the Banija area north-west of Dvor, was attacked by a unit under the command of Captain Dragan Vasiljković. The JNA intervened after the attack by creating a buffer zone. On 25 July 1991, the village of Struga, a few kilometres north of Dvor along the Una river, was attacked by units under the command of Captain Dragan Vasiljković and the Glina War Staff: 50 members of a "special forces" unit, 50 policemen and 700 civilians participated in the operation. Following the attack, the JNA intervened and created a buffer zone.	Martić TJ, para. 165	The fact is objectionable to the extent that it vaguely uses the term "attack," which presumes a conclusion about the intensity of violence, and to the extent that it implies that the attack was on the village itself, which could be misread as implying an attack against civilians or an indiscriminate attack. The fact is inadmissible on Grounds D (unclear or misleading in context of motion) and F (characterisations of an essentially legal nature). The subject also concerns an issue, the commencement of the armed conflict, that is in this case an important issue whereas it may not have been in the Martić case, and may not, therefore, have been challenged adequately by the Defence. Also concerns the actions of other alleged members of the alleged JCE and/or individuals for whom Goran Hadžić is alleged to be criminally responsible.	Judicially noticed.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
42	On 26 August 1991, the Croat village of Kijevo, situated 15 kilometres east of Knin, was attacked because the MUP of Croatia had established an SJB in the village. The decision to attack Kijevo was taken by Milan Martić in coordination with the JNA [...]. Units of the JNA 9th Corps in Knin, the Milicija Krajine and the local TO participated in the attack.	Martić TJ, paras 166-167	The fact is objectionable to the extent that it vaguely uses the term "attack," which presumes a conclusion about the intensity of violence, and to the extent that it implies that the attack was on the village itself, which could be misread as implying an attack against civilians or an indiscriminate attack. The fact is inadmissible on Grounds B (distinct, concrete, and identifiable) and D (unclear or misleading in context of motion). The subject also concerns an issue, the commencement of the armed conflict, that is in this case an important issue whereas it may not have been in the Martić case, and may not, therefore, have been challenged adequately by the Defence. Also concerns the actions of other alleged members of the alleged JCE and/or individuals for whom Goran Hadžić is alleged to be criminally responsible.	Judicially noticed.
43	On 28 August 1991, TG-1 of the JNA 9 th Corps also attacked the mixed Croat and Serb village of Vrlika, located south of Knin near Kijevo. After the attack, an SJB of the SAO Krajina MUP was established in Vrlika. Subsequently, members of this SJB indirectly participated in the widespread looting by allowing lorries carrying looted goods to proceed towards Knin.	Martić TJ, para. 170	The fact is objectionable to the extent that it vaguely uses the term "attack," which presumes a conclusion about the intensity of violence, and to the extent that it implies that the attack was on the village itself, which could be misread as implying an attack against civilians or an indiscriminate attack. The fact is inadmissible on Grounds B (distinct, concrete, and identifiable) and D (unclear or misleading in the context of motion). The subject also concerns an issue, the commencement of the armed conflict, that is in this case an important issue whereas it may not have been in the Martić case, and may not, therefore, have been challenged adequately by the Defence. Also concerns the actions of other alleged members of the alleged JCE and/or individuals for whom Goran Hadžić is alleged to be criminally responsible.	Judicially noticed except for the struckthrough portion, which falls on Ground F (characterisation of an essentially legal nature).

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
44	<p>On 16 September 1991, Drniš, which is located near Knin and at the time was 75% Croat, was attacked by forces and artillery of TG-1 of the JNA 9th Corps. During the attack, and the following days, the centre of Drniš was almost completely destroyed. Widespread looting was committed by members of the JNA and the MUP and by local citizens. Approximately 10-15 days after the attack, an SJB of the SAO Krajina MUP was set up in Drniš.</p>	Martić TJ, para. 171	<p>The fact is objectionable to the extent that it vaguely uses the term "attack," which presumes a conclusion about the intensity of violence, and to the extent that it implies that the attack was on the village itself, which could be misread as implying an attack against civilians or an indiscriminate attack. The fact is inadmissible on Grounds B (distinct, concrete, and identifiable) and D (unclear or misleading in context of motion). The subject also concerns an issue, the commencement of the armed conflict, that is in this case an important issue whereas it may not have been in the Martić case, and may not, therefore, have been challenged adequately by the Defence. Also concerns the actions of other alleged members of the alleged JCE and/or individuals for whom Goran Hadžić is alleged to be criminally responsible.</p>	Judicially noticed except for the struckthrough portion, which falls on Ground F (characterisation of an essentially legal nature).
45	<p>In 1990, Hrvatska Dubica, Cerovljani and Baćin were mixed or predominantly Croat villages in the Hrvatska Kostajnica municipality situated in north-eastern Croatia. In 1990, Hrvatska Dubica had around 2,000 to 2,500 inhabitants. Cerovljani is situated about three to six kilometres north of Hrvatska Dubica and in 1990 its population was some 500 people. Baćin is situated about three to five kilometres west of Hrvatska Dubica and in 1990 it had 200 to 500 inhabitants.</p>	Martić TJ, para. 173	No specific objection	Judicially noticed.
46	<p>On 12 or 13 September 1991, Serb forces, including the SAO Krajina TO, took control over Hrvatska Kostajnica. The special police unit of the SAO Krajina police at Dvor na Uni participated and cooperated with the TO. Following the takeover of Hrvatska Kostajnica, the operation continued in order to take over the rest of the villages along the axis between Kostajnica and Novska, including the villages of Hrvatska Dubica, Cerovljani and Baćin.</p>	Martić TJ, para. 175	<p>The use of the term "operation" is vague in relation to an issue of potential importance in this case, namely the intensity of violence at this time. The fact is inadmissible on Grounds D (unclear or misleading in the context of the motion) and F (characterisation of an essentially legal nature).</p>	Judicially noticed.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
47	After the occupation of Hrvatska Kostajnica around 12 or 13 September, Hrvatska Dubica was shelled from Hrvatska Kostajnica and from Bosanska Dubica, BiH. Subsequently, the ZNG and Croatian MUP withdrew from Hrvatska Dubica and the surrounding villages and the civilian inhabitants started to leave. After 13 September 1991, only about 60 Croats, mainly elderly and women, remained in Hrvatska Dubica.	Martić TJ, para. 177	The fact is objectionable to the extent that it vaguely uses the term “shelled,” which presumes a conclusion about the intensity of violence, and to the extent that it implies that the shelling was on the village itself, which could be misread as implying an attack against civilians or an indiscriminate attack. The fact is inadmissible on Grounds D (unclear or misleading in the context of motion) and F (characterisations of an essentially legal nature). The finding of looting is also inadmissible under Ground F (characterisations of an essentially legal nature). The subject also concerns an issue, the commencement of the armed conflict, that is in this case an important issue whereas it may not have been in the Martić case, and may not, therefore, have been challenged adequately by the Defence. Also concerns the actions of other alleged members of the alleged JCE and/or individuals for whom Goran Hadžić is alleged to be criminally responsible.	Judicially noticed.
48	After the take-over of Hrvatska Dubica until mid-October 1991, some houses were torched in Hrvatska Dubica: approximately eight belonged to Croats, two belonged to couples of mixed marriages, and one belonged to a Serb. There was also widespread looting, committed by the JNA, the TO, the Milicija Krajine, and local Serbs. Detained Croats were also forced to loot. All the houses of people who had fled, both Croats and Serbs, were looted and cars, tractors, tools, machinery, furniture and cattle were stolen. Serbs who had withdrawn from the areas of Pakrac and Lipik moved into the houses of the people who had fled.	Martić TJ, para. 180	The fact is inadmissible as stating a legal conclusion in respect of plunder in respect of alleged subordinates of Gorn Hadžić and/or alleged participants in the alleged JCE with Goran Hadžić – in either event, for whose criminal acts he is alleged to be criminally responsible. The fact is inadmissible on Grounds F (characterisations of an essentially legal nature) and H (acts, conduct, or mental state of the accused) and disfavoured as relating to the “acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible”. <i>Stanišić and Zupljanin</i> Adjudicated Facts Decision, para. 46.	Judicially noticed, except for the struckthrough portion, which falls on Ground F (characterisation of an essentially legal nature).
49	Following the take-over of Baćin, all the inhabitants left, with the exception of around thirty mostly elderly civilians. [I]n October 1991 all of the people who remained in the village were taken to Krečane near Baćin, where they were killed along with a number of others who were brought from Cerovljani and Hrvatska Dubica.	Martić TJ, para. 189	The fact arguably implicates alleged subordinates of Gorn Hadžić and/or alleged participants in the alleged JCE with Goran Hadžić in killings, implicitly for the purpose of committing forcible transfer. The fact is inadmissible on Grounds F (characterisations of an essentially legal nature) and H (acts, conduct, or mental state of the accused) and disfavoured as relating to the “acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible”. <i>Stanišić and Zupljanin</i> Adjudicated Facts Decision, para. 46.	Judicially noticed.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
50	Towards the end of 1992 and beginning of 1993, looting and torching of houses [in Hrvatska Dubica] was carried out by local Serbs. By 1995, many houses in Hrvatska Dubica belonging to Croats had been destroyed. The part of the village which contained both Serb and Croat houses remained intact. By 1995, most houses had been looted.	Martić TJ, para. 193	Since Goran Hadžić is alleged in the pre-trial brief to be responsible through omission for all deprivations of human rights of all inhabitants of the RSK, this fact arguably goes directly to his own "conduct". The fact is therefore inadmissible on Ground H (acts, conduct, or mental state of the accused), and certainly goes to "conduct of persons for whose criminal conduct the Accused is allegedly responsible". <i>Stanišić and Zupljanin</i> Adjudicated Facts Decision, para. 46.	Denied on Ground F (characterisation of an essentially legal nature).
51	In 1991, Lipovača was a predominantly Croat village with a total of 267 inhabitants. At the end of September or in early October 1991, the JNA entered Lipovača and almost all civilian inhabitants fled, with the exception of about 20-50 people. The JNA stayed for seven to eight days and fired from tanks at the Croatian police in Drežnik Grad and Rakovica and a Catholic church in Drežnik Grad. During this stay, some JNA soldiers warned a witness that "[w]hen we leave, beware of the reserve forces of those paramilitary units "who would" beat the people, set houses on fire, loot "and who would kill" regardless of age." When the JNA troops left, several of the people who remained in the village fled to the forest and spent the night there.	Martić TJ, paras 201-202	The fact implicates alleged subordinates of Goran Hadžić in the crimes of wanton destruction, forcible transfer, looting and murder. The fact is inadmissible on Grounds F (characterisations or findings of an essentially legal nature) and H (acts, conduct, or mental state of the accused) and disfavoured as relating to the "acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible". Since Goran Hadžić is alleged in the pre-trial brief to be responsible through omission for all deprivations of human rights of all inhabitants of the RSK, this fact also arguably goes directly to his own "conduct," making it inadmissible under Ground H (acts, conduct, or mental state of accused). The quotation is also inadmissible on Ground B (distinct, concrete, and identifiable) as circumventing the regular standards for seeking the admission of evidence, and/or as failing to reflect an actual finding of the Trial Chamber, rather than a summary of evidence.	Judicially noticed except for the struckthrough portion, which falls on Ground B (distinct, concrete, and identifiable) as it is unclear whether this is a finding of fact.
52	Poljanak is located about 14 kilometres south-east of Saborsko and 8 km north-west of Plitvice. In 1991, there were around 30-50 predominantly Croat households in Poljanak. Poljanak was shelled for the first time on 28 August 1991 and was shelled daily after that. There were no Croatian military units in Poljanak in the summer and autumn of 1991. However, there was a civilian protection force that would keep watch, but the members were either unarmed or had two to three hunting rifles at their disposal. [S]everal houses, sheds and cars were burnt in Poljanak on 7 November 1991, by the soldiers present in the village. [B]efore the houses were burnt private property was looted or destroyed. When torching the houses, some soldiers made comments, such as "Milošević built the house and Milošević is going to destroy it" and "what's Tudman done for you? All you are going to get from him is a bullet in your head".	Martić TJ, paras 210-211, 213, 219	The fact arguably implicates alleged subordinates of Goran Hadžić (since the JNA is implicitly implicated by reference to "shelling") in the crimes of wanton destruction, forcible transfer, looting and murder. The fact is inadmissible on Grounds F (characterisation of an essentially legal nature) and H (acts, conduct, or mental state of the accused), and disfavoured as relating to the "acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible". The passage certainly goes to "conduct of persons for whose criminal conduct the Accused is allegedly responsible". <i>Stanišić and Zupljanin</i> Adjudicated Facts Decision, para. 46. The quotation is also inadmissible on Ground B (distinct, concrete, and identifiable) as circumventing the regular standards for seeking the admission of evidence, and/or as failing to reflect an actual finding of the Trial Chamber, rather than a summary of evidence.	Judicially noticed except for struckthrough portion, which falls on Ground F (characterisation of an essentially legal nature) and Ground B (distinct, concrete, and identifiable) because it is a recitation of the evidence.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
53	<p>In early 1991, there were 600 to 850 people, mostly Croats, living in the 300 households of Saborsko. Saborsko was attacked mid-morning on 12 November 1991 by Tactical Group 2 ("TG 2"), under the command of Colonel Čedomir Bulat, and the 5th Partisan Brigade, both of which were within the structure of the JNA 13th Corps. A unit of the Plaški SDB, the Plaški TO Brigade and Milicija Krajine units participated in the attack. After the attack, there were many Serb soldiers and policemen in the centre of Saborsko. The evidence shows that a shop was looted by Zdravko Pejić and individuals with the last names Cekić or Cvekić, and Momčilović, both of whom were members of Đuro "Snjaka" Ogrizović's company. An individual identified as "Pei" together with Željko "Buba" Mudrić and Nedeljko "Kiča" Trbojević, as well as "other Martić's men" drove away in private cars they found in Saborsko.</p>	<p>Martić TJ, paras 220, 225, 227, 228</p>	<p>The fact implicates alleged subordinates of Goran Hadžić in the crimes of wanton destruction, forcible transfer, looting and murder. The fact is inadmissible on Grounds F (characterisations of an essentially legal nature) and H (acts, conduct, or mental state of the accused), and disfavoured as relating to the "acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible". Since Goran Hadžić is alleged in the pre-trial brief to be responsible through omission for all deprivations of human rights of all inhabitants of the RSK, this fact also arguably goes directly to his own "conduct," making it inadmissible under Ground H (acts, conduct, or mental state of accused). The passage, in any event, undoubtedly goes to "conduct of persons for whose criminal conduct the Accused is allegedly responsible". <i>Stanišić and Zupljanin</i> Adjudicated Facts Decision, para. 46.</p>	<p>Judicially noticed except for stuckthrough portions, which fall on Ground F (characterisation of an essentially legal nature) and Ground B (distinct, concrete, and identifiable) because the phrase "there is also evidence" suggests that the last sentence may not be a finding of fact.</p>
	<p>Moreover, all the tractors in Saborsko were driven away, subsequently to be put up for auction, and household goods were stolen by plunderers. There is also evidence that more than 50 cattle from Saborsko were brought to Plaški and that 17 sheep were taken to Kunić. Many houses in Saborsko were set alight and burnt after the attack. Following the attack, most of the inhabitants of Saborsko fled to Karlovac, Zagreb, and Ogulin. However, about 30 to 60 elderly villagers remained in the village and were brought to the Lička Jasenica barracks by the Plaški TO. After spending the night at the barracks, they were taken by bus towards Ogulin and released in territory controlled by the Croatian side.</p>	<p>Continued from 53</p>	<p>Continued from 53</p>	<p>Continued from 53</p>
54	<p>[S]ome of the soldiers present in Saborsko abused the inhabitants with profanities such as "Fuck your Ustasha mother" and that all Croat villagers should be slaughtered.</p>	<p>Martić TJ, para. 383</p>	<p>The fact allegedly implicates alleged subordinates of Goran Hadžić in the crimes of forcible transfer, persecution and murder. The fact is inadmissible on Grounds F (characterisations of an essentially legal nature and H (acts, conduct, and mental state of the accused), and disfavoured as relating to the "acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible". Since Goran Hadžić is alleged in the pre-trial brief to be responsible through omission for all deprivations of human rights of all inhabitants of the RSK, this fact also arguably goes directly to his own "conduct," making it inadmissible under Ground H (acts, conduct, or mental state of the accused). The passage, in any event, undoubtedly goes to "conduct of persons for whose criminal conduct the Accused is allegedly responsible". <i>Stanišić and Zupljanin</i> Adjudicated Facts Decision, para. 46.</p>	<p>Judicially noticed.</p>

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
55	<p>Škabrnja is located in south-western Croatia and in 1991 formed part of the municipality of Zadar, which bordered the Benkovac municipality to the south-east. Škabrnja had about 2,000 inhabitants and was almost exclusively Croat. Between 0600 and 0700 hours in the morning of 18 November 1991, a JNA mechanised infantry unit of between 80 to 200 men with eight to nine APCs and three tanks advanced from the Serb village of Smilčić towards Škabrnja. At around 0730 hours, Škabrnja was subjected to intensive shelling, also from the direction of Biljane or Lišane, which lasted until 1230 hours. During the fighting, civilians fled south. Civilians were also taken out of Škabrnja by JNA and TO forces and transported to territory under the control of Croatian forces.</p>	<p>Martić TJ, paras 235, 239, 242</p>	<p>The fact potentially implicates alleged subordinates of Goran Hadžić in the crimes of wanton destruction, forcible transfer, and persecution. The fact is inadmissible on Grounds F (characterisations or findings of an essentially legal nature) and H (acts, conduct, or mental state of the accused). Since Goran Hadžić is alleged in the pre-trial brief to be responsible through omission for all deprivations of human rights of all inhabitants of the RSK, this fact also arguably goes directly to his own “conduct,” making it inadmissible under Ground H (acts, conduct, or mental state of accused). The passage, in any event, undoubtedly goes to “conduct of persons for whose criminal conduct the Accused is allegedly responsible”. <i>Stanišić and Zupljanin</i> Adjudicated Facts Decision, para. 46.</p>	<p>Judicially noticed.</p>
56	<p>[During the 18-19 November 1991 attack on Škabrnja], looting was committed by local Serbs and Serb paramilitaries. There is also evidence that volunteers from Serbia and BiH, who were joined to the Benkovac TO, participated during the attack on Škabrnja and that they looted and robbed. After the attack on Škabrnja and until February 1992, Serb paramilitary forces and local Serbs looted and burnt houses in Škabrnja.</p>	<p>Martić TJ, paras 263-264</p>	<p>The fact potentially implicates alleged subordinates of Goran Hadžić in the crimes of wanton destruction, forcible transfer, and persecution. The fact is inadmissible on Grounds F (characterisation of an essentially legal nature) and H (acts, conduct, or mental state of the accused). Since Goran Hadžić is alleged in the pre-trial brief to be responsible through omission for all deprivations of human rights of all inhabitants of the RSK, this fact also arguably goes directly to his own “conduct,” making it inadmissible under Ground H (acts, conduct, or mental state of the accused). The passage, in any event, undoubtedly goes to “conduct of persons for whose criminal conduct the Accused is allegedly responsible”. <i>Stanišić and Zupljanin</i> Adjudicated Facts Decision, para. 46.</p>	<p>Judicially noticed.</p>
57	<p>[S]oldiers present in Škabrnja threatened villagers hiding in the basements, saying “Come out you Ustaše, we are going to slaughter you all” and that even women and children were being called “Ustašas” and were insulted by soldiers.</p>	<p>Martić TJ, para. 398</p>	<p>The fact potentially implicates alleged subordinates of Goran Hadžić in the crimes of wanton destruction, forcible transfer, and persecution. The fact is inadmissible on Grounds F (characterisation of an essentially legal nature) and H (acts, conduct, or mental state of the accused). Since Goran Hadžić is alleged in the pre-trial brief to be responsible through omission for all deprivations of human rights of all inhabitants of the RSK, this fact also arguably goes directly to his own “conduct,” making it inadmissible under Ground H (acts, conduct, or mental state of accused). The passage, in any event, undoubtedly goes to “conduct of persons for whose criminal conduct the Accused is allegedly responsible”. <i>Stanišić and Zupljanin</i> Adjudicated Facts Decision, para. 46.</p>	<p>Judicially noticed.</p>

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
58	Bruška is located about 15 kilometres east of Benkovac. In 1991, about 400 people lived there, and the village was predominantly Croat. [From the spring of 1991], [a]rmed men identifying themselves as "Martić's men" or "Martić's Militia" came to Bruška almost every day to scare the inhabitants. The armed men called the villagers Ustašas and said that Bruška would be a part of a Greater Serbia and that the people of Bruška should leave.	Martić TJ, paras 265-266	The fact potentially implicates alleged subordinates of Goran Hadžić in the crimes of wanton destruction, forcible transfer, and persecution. The fact is inadmissible on Grounds F (characterisations of an essentially legal nature) and H (acts, conduct, or mental state of accused). Since Goran Hadžić is alleged in the pre-trial brief to be responsible through omission for all deprivations of human rights of all inhabitants of the RSK, this fact also arguably goes directly to his own "conduct," making it inadmissible under Ground H (acts, conduct, or mental state of the accused). The passage, in any event, undoubtedly goes to "conduct of persons for whose criminal conduct the Accused is allegedly responsible". <i>Stanišić and Zuljpanin</i> Adjudicated Facts Decision, para. 46.	Judicially noticed.
59	There were two detention facilities in Knin, one at the barracks of the JNA 9th Corps and one at the old hospital. The evidence shows that between 1991 and 1995, between 650 and 700 were detained in Knin.	Martić TJ, para. 279	The fact is vague as encompassing two years that do not include the Indictment period, with no specification as the number of detentions during the Indictment period. The fact is inadmissible on Grounds B (distinct, concrete, and identifiable) and D (unclear or misleading in context of motion) in relation to this case.	Denied judicial notice on Ground A (relevance).
60	In early 1991, a detention facility was established on the premises of the old hospital in the centre of Knin. This facility was sometimes referred to as "Martić's prison" and the "District Prison". A section of the hospital was used as a dormitory by "Captain Dragan's men and members of the JNA reserve force". From the summer of 1991, the Ministry of Justice of the SAO Krajina took over control of the old hospital from the TO and hired professional guards. On 28 September 1992, the Assembly of the RSK formally established the District Prison in Knin.	Martić TJ, para. 285	Given the scope of the Indictment, the proposed fact is irrelevant and therefore inadmissible under Ground A (relevance).	Denied judicial notice on Ground A (relevance).

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
61	On 2 October 1991, Stanko Erstić was arrested in Medvida near Bruška by the Milicija Krajine and brought to the old hospital in Knin. He was detained with another 120 prisoners, all non-Serbs from Croat or mixed villages in the Krajina region. On 2 November, Stanko Erstić and approximately 100 non-Serb prisoners were exchanged for approximately 60 Serb prisoners. Twenty Croats from Lika remained in the prison. Members of "Special Military Police Unit", dressed in JNA uniforms, took them to the JNA barracks in Knin, where they were loaded onto buses. Afterwards they were driven to Pakovo Selo where buses from the Croatian side picked them up.	Martić TJ, para. 286	The fact is irrelevant to the responsibility of Mr. Hadžić and is not probative, as the Prosecution contends, of a widespread or systematic attack. The fact is inadmissible on Ground A (relevance).	Denied judicial notice on Ground A (relevance).
62	As of August 1991, any detainee held at the old hospital was supposed to be detained on the basis of a decision by a judge. Out of approximately 300 detainees at the old hospital between mid 1991 and mid 1992, only 13 people were released upon the decision of a court.	Martić TJ, para. 293	The fact is irrelevant to the responsibility of Mr. Hadžić and is not probative, as the Prosecution contends, of a widespread or systematic attack. The fact is inadmissible on Ground A (relevance).	Denied judicial notice on Ground A (relevance).
63	Among the detainees [at the old hospital] were both Croats and other non-Serb civilians and members of Croatian armed forces and formations. [T]he majority of the former category of detainees were deprived of their liberty without due process of law.	Martić TJ, para. 412	The fact is irrelevant to the responsibility of Mr. Hadžić and is not probative, as the Prosecution contends, of a widespread or systematic attack. The fact is inadmissible on Ground A (relevance).	Denied judicial notice on Ground A (relevance).
64	[D]etainees [at the old hospital] were insulted by the guards, saying that "the Croatian nation has to be destroyed" and that "all Croats have to be killed". On one occasion, Vojislav Šešelj, from the Serbian Radical Party, visited the old hospital and asked the detainees "how many Serbian children they slaughtered, how many mothers".	Martić TJ, para. 416	The fact is irrelevant to the responsibility of Mr. Hadžić and is not probative, as the Prosecution contends, of a widespread or systematic attack. The fact is inadmissible on Ground A (relevance). To the extent the Trial Chamber accepts the Prosecution's claim that the statement is relevant to "discriminatory intent" via the words of an alleged member of the alleged JCE, the quoted passage is inadmissible on Ground H (acts, conduct, or mental state of accused) and pertains directly to "an objective of the joint criminal enterprise alleged by the Prosecution". <i>Stanišić and Zupljanin</i> Adjudicated Facts Decision, para. 46.	Denied judicial notice on Ground A (relevance).
III. Adjudicated Facts Relating to the Events Leading to the Fall of Vukovar				
A. Background events specific to the municipality of Vukovar				
65	[T]he district of Vukovar, which is located in Eastern Slavonia, current day Croatia, [is] on the western bank of the Danube River. The river marks the border between Croatia and Serbia.	Mrkšić TJ, para. 17	No specific objection	Judicially noticed.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
66	Vukovar municipality is large in geographical terms. The municipality ranges from Ilok, southeast of the city of Vukovar, on the Danube, to Osijek, northwest of Vukovar. The distance between Osijek and Ilok is about 50 kilometres. The municipality also encompasses Trpinja and Bobota to the west.	Mrkšić TJ, para. 17	No specific objection	Judicially noticed.
67	In 1991, Vukovar municipality had a population of some 84,000. Of these, 43.7% were Croats, 37.4% were Serbs, 1.6% were Hungarians, 7.3% regarded themselves as “Yugoslavs” and 10% defined themselves as “others”. The percentage of “Yugoslavs” was the second highest in Croatia at the time. The population of some towns or villages in the municipality, such as Borovo Selo and Trpinje, was exclusively Serb, but overall the area was mixed. Other nationalities, such as Hungarians and Slovaks, were also present and all lived in relative harmony until 1991.	Mrkšić TJ, para. 18	The final words (“and all lived in relative harmony until 1991”) are objected to on the grounds that they are impermissibly broad and vague (third discretionary factor), and do not advance any matter genuinely before this Trial Chamber (Ground A). The formulation may, indeed, create a misleading impression, depending on the interpretation of “relative” (Ground D).	Judicially noticed except for the struckthrough portion, which falls on the third discretionary factor (unduly, broad, vague, tendentious, or conclusory).
68	The Vukovar area was among the richest areas in Yugoslavia both in terms of the land and general infrastructure. [B]efore the events [in 1991], the actual city of Vukovar, which is within the municipality, had approximately 45,000 inhabitants.	Mrkšić TJ, para. 18	The first sentence is not appropriate for judicial notice as it does not amount to a concrete factual proposition, but is a merely a general description. The fact is inadmissible on Ground B (distinct, concrete, and identifiable).	Judicially noticed except for the struckthrough portion, which falls on Ground B (distinct, concrete, and identifiable) because it is not a finding of fact.
69	Slavko Dokmanović, a Serb and a member of the Social Democratic Party of Croatia (“SDP”), who was elected President of the Municipal Assembly of Vukovar following local elections in 1990, ceased to perform his functions in early July 1991 when the position of a commissioner for Vukovar was created by the Croatian government. Marin Vidić, aka Bili, a Croat, who was previously Deputy Municipal President, was appointed to this position in late June 1991.	Mrkšić TJ, para. 28	No specific objection	Judicially noticed.
70	[B]y August 1991 the ethnic composition of the Vukovar hospital staff had changed. Many of the Serb employees ceased working there. The director of the hospital, Dr Rade Popović, a Montenegrin, was dismissed on 18 July 1991. Dr. Vesna Bosanac, a Croat, was appointed to this position on 25 July 1991. She headed the hospital staff until 20 November 1991.	Mrkšić TJ, para. 29	No specific objection	Judicially noticed.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
71	<p>In August 1991 local Serb communities made a declaration of their autonomy and purported to create the second of the new Serb-ruled "mini-states" in Croatia, viz, the Serb Autonomous District ("SAO"; <i>Srpska Autonomna Oblast</i>) of Slavonia, Baranja, and Western Srem. A "government" of The SAO was formed in September 1991. At the time, in neighbouring Bosnia and Herzegovina, similar entities were formed by local Serbs and local Croats. The Autonomous Province of Serb Krajina in Knin was the other Serb mini-State.</p>	Mrkšić TJ, para. 32 and fn. 56	The Defence objects to the characterization "the second of the new Serb-ruled 'mini-states'" as unduly broad, tendentious, conclusory and vague (third discretionary factor). The characterization is unnecessarily pejorative, oversimplifies the situation, and does not advance or assist this Trial Chamber's truth-finding function.	Judicially noticed except for struckthrough portions. Changes in bold made for the sake of clarity.
72	<p>[After the beginning of the shelling of Vukovar in July 1991], other villages in the municipality of Vukovar as well as towns in the larger area of Eastern Slavonia were also subjected to military operations by the JNA during the summer and autumn of 1991. To the north and northwest of Vukovar, the town of Osijek came under heavy artillery attack in July 1991, the villages of Erdut and Dalj were shelled in early August 1991 and Borovo Naselje was shelled during the spring/summer of 1991. To the east, the village of Ilok was shelled and experienced daily shooting in August 1991. As part of its autumn operation, the JNA started an incursion in Eastern Slavonia with the intention of capturing the towns of Vukovar, Vinkovci and Osijek. At the same time military operations by the JNA were occurring elsewhere in Croatia.</p>	Mrkšić TJ, para. 34	The intensity of the clashes in the summer of 1991 is a matter of dispute in this case and, accordingly, the characterizations "military operations" or "heavy artillery attack" are too vague in relation to a specific matter of dispute upon which this Trial Chamber should hear direct evidence. The finding as a whole is therefore not concrete and is inadmissible under Ground B (distinct, concrete, and identifiable).	Judicially noticed.
73	<p>On 23 August 1991, Borovo Naselje came under heavy shelling. Croatian forces in Borovo Naselje brought down two JNA aircrafts with hand-held rocket launchers.</p>	Mrkšić TJ, para. 36	The intensity of the clashes in the summer of 1991 is a matter of dispute in this case and, accordingly, the characterization "heavy shelling" is too vague in relation to a specific matter of dispute upon which this Trial Chamber should hear direct evidence. The finding as a whole is therefore not concrete and is inadmissible under Ground B (distinct, concrete, and identifiable).	Judicially noticed.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
74	On 24 and 25 August 1991, all other parts of Vukovar were subjected to a heavy aerial attack by the JNA. This was the first severe attack on the city of Vukovar. A witness who was present in Vukovar observed "firing from all sorts of weapons, howitzers, mortars, guns, tanks and planes." The shelling came from the area around the JNA barracks, located in the Sajmište area of Vukovar, where local Serbs used to live, and from the Petrova Gora neighbourhood, Borovo Naselje, Borovo Selo and the direction of Trpinja. Extensive damage was caused to the city of Vukovar and many civilians were killed.	Mrkšić TJ, para. 36	The intensity of the clashes in the summer of 1991 is a matter of dispute in this case and, accordingly, the characterization "heavy aerial attack," "extensive damage," and "many civilians" are too vague in relation to a specific matter of dispute upon which this Trial Chamber should hear direct evidence. The direct quotation from a witness is not a finding, but is instead of a summary of the evidence which the Prosecution should tender as evidence in accordance with the usual rules. The proposed fact is therefore not concrete and is inadmissible under Ground B (distinct, concrete, and identifiable).	Judicially noticed except for struckthrough portion, which falls on Ground B (distinct, concrete, and identifiable) because it is a recitation of the evidence.
75	[Following the attack of 24 and 25 August 1991], on 25 August 1991 , the siege of Vukovar commenced. By the late summer or early autumn of 1991 the city of Vukovar was effectively surrounded and besieged by JNA and other Serb forces.	Mrkšić TJ, para. 37	The intensity of the clashes in the summer of 1991 is a matter of dispute in this case and, accordingly, the characterization "siege" is too vague in relation to a specific matter of dispute upon which this Trial Chamber should hear direct evidence. The finding as a whole is therefore not concrete and is inadmissible under Ground B (distinct, concrete, and reliable).	Judicially noticed. Addition in bold made for clarity.
76	A large number of JNA, Territorial Defence Units ("TO") and paramilitary units, including Serb volunteers took part in the battle for Vukovar on the Serb side [between late August 1991 and the fall of the town in November 1991]. Initially, their number was limited. By the end of September 1991 the number of JNA troops had increased considerably. There were then some 15,000 JNA soldiers in the larger Vukovar area.	Mrkšić TJ, para. 39	The exact time when the threshold for the existence of an armed conflict was passed occurred, according to the Defence, at some point within the time-frame mentioned in the quotation. The Defence takes issue with the characterization "battle" as unduly vague to the extent that that is intended to refer to the entire time-period, and to imply the existence of an armed conflict from the beginning of the period. The fact is inadmissible on Ground B (distinct, concrete, and reliable).	Judicially noticed.
77	[During the siege of Vukovar, Mrkšić's] own immediate unit was the Guard Motorised Brigade ("gmtbr"), which arrived in the Vukovar area at the end of September 1991. It, alone, numbered some 4,000 troops, but the number of JNA troops under his command increased progressively to some 6,000 troops by early November [1991]. TO and other forces also swelled the Serb forces under the command of Operational Group ("OG") South. The number of troops involved in the hostilities on the JNA side within OG South zone of responsibility was put at between 4,000 and 6,000 by senior JNA Officers involved in the siege.	Mrkšić TJ, para. 39	The fact describes alleged subordinates of, or alleged fellow members of the alleged JCE with, Goran Hadžić. A precise factual predicate of this sort should be established through evidence tendered before this Chamber, as it concerns a "core" aspect of the Prosecution case (first discretionary factor).	Judicially noticed except for the struckthrough portion, which falls on Ground B (distinct, concrete, and identifiable) because it is not a finding of fact. Additions in bold made for clarity.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
78	<p>[During the conflict in Vukovar, between late August and late November 1991], on the Croatian side, there were the locally based Territorial Defence and members of the Ministry of the Internal Affairs ("MUP"), the National Guard ("ZNG") and a small number of a newly created Croatian defence force. The ZNG was formed in March 1990 and was affiliated with the political party HDZ. After the attack in late August [1991], the local Croatian defence mobilised. Some reinforcements and volunteers came from other parts of Croatia. Some 150 people, mostly policemen, arrived from Varaždin and they brought Kalashnikovs or other rifles with them and people came with their arms from Nuštar, Vinkovci and Županja. Eventually, by the height of the siege, the number of Croat combatants may have reached 1,700-1,800.</p>	Mrkšić TJ, para. 40	The Defence does not object to this adjudicated fact without prejudice to its right to call additional evidence in relation thereto.	Judicially noticed.
79	<p>[During the conflict in Vukovar, between late August and late November 1991], there were dramatic differences between the military capacities of the opposing forces. The JNA was an extensively equipped and trained military force and was in far superior numbers. The Serb TO, paramilitary and other volunteer elements were all equipped and armed. Available to the Serb forces in large numbers was a full range of military weaponry, including automatic infantry rifles, other automatic weapons including machine-guns, rockets (including hand-held and multi-launchers), heavy and light mortars, artillery and land mines. They had armoured vehicles including armoured personnel carriers (nearly all mounted with heavy machine-guns), tanks both old (T-33) and new (M-84). They also had anti-aircraft batteries and an air force armed with a range of ground attack weapons including bombs up to 250 kg, all of which were used in the attack on Vukovar.</p>	Mrkšić TJ, paras 41-42	The exact time when the threshold for the existence of an armed conflict passed occurred, according to the Defence, at some point within the time-frame mentioned in the quotation. The Defence takes issue with the proposed fact to the extent that the weapons enumerated were used from the beginning of the time-frame mentioned therein, and to imply the existence of an armed conflict from the beginning of the period. The fact is inadmissible on Ground B (distinct, concrete, and identifiable).	Judicially noticed.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
	<p>Naval forces on the Danube were also used. By way of stark contrast, not only were the Croatian forces very significantly less numerically and mostly ill-equipped and untrained, but for the most part they had only light infantry weapons. Indeed many were only armed with personal hunting rifles. Some shared weapons, although gradually the Croatian forces gathered weapons. These were bought, sometimes from neighbouring countries, and weapons were seized from JNA barracks in Croatia. While, during the siege, the Croatian forces had mostly infantry weapons, they did acquire some mortars and one or two anti-aircraft guns. They also used mines, most of which were made in improvised facilities. They captured two JNA tanks during the fighting. They had also two or three cannons.</p>			
80	<p>By September 1991 there were two fronts in Eastern Slavonia, the northern and the southern fronts. [T]he system of attack employed by the JNA typically evolved along the following lines: "(a) tension, confusion and fear is built up by a military presence around a village (or bigger community) and provocative behaviour; (b) there is then artillery or mortar shelling for several days, mostly aimed at the Croatian parts of the village; in this stage churches are often hit and destroyed; (c) in nearly all cases JNA ultimata are issued to the people of a village demanding the collection and the delivery to the JNA of all weapons; village delegations are formed but their consultations with JNA military authorities do not lead, with the exception of Huk, to peaceful arrangements; with or without waiting for the results of the ultimata a military attack is carried out; and (d) at the same time, or shortly after the attack, Serb paramilitaries enter the village; what then follows [included] varied from murder, killing [and] burning and looting, to discrimination.</p>	Mrkšić TJ, para. 43	<p>The supposed fact in quotation marks is a recitation of evidence, not necessarily a finding of the Trial Chamber. It is not, therefore, suitable for judicial notice and is rather material that should be tendered in accordance with the usual evidential rules. The fact is inadmissible for that reason under Ground B (distinct, concrete, and identifiable). The alleged account amounts to a legal conclusion that these forces – who are alleged in the Indictment to be subordinates of, or members of a JCE with, Goran Hadžić – were engaged in crimes, including forcible transfer. The proposed fact is therefore inadmissible on Ground D (unclear or misleading in context of motion) and involves core aspects of the Prosecution case (first discretionary factor). Furthermore, since Goran Hadžić is alleged in the pre-trial brief to be responsible through omission for all deprivations of human rights of all inhabitants of the RSK, this fact also arguably goes directly to his own "conduct," making it inadmissible under Ground H (acts, conduct, or mental state of the accused).</p>	<p>Denied on Ground F (characterisation of an essentially legal nature) and the first discretionary factor (core issue).</p>

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
B. Combat operations in and around Vukovar in October and November 1991				
81	From October [1991], the city of Vukovar was without electrical supply. In the Vukovar city hospital [...] nurses were forced to treat patients by candle light or in complete darkness. The destruction of the installations supplying electricity occurred both outside and inside the hospital, due to JNA shelling. In the area to the south and west of the hospital, there was constant shooting and shelling. In one incident in late October the Eltz Castle in Vukovar was shelled, causing the death of 12 persons. Damage was caused to the water supply system and civilian buildings.	Mrkšić TJ, para. 45	Since Goran Hadžić is alleged to have effective control over all Serb Forces at this time in this area, and as he is alleged to be responsible, through omission, for any alleged deprivation of human rights within a certain territory, this fact arguably relates to his acts, conduct or mental state, and is inadmissible on Ground H (acts, conduct, or mental state of accused). For the same reasons, the allegation “relate[s] to the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible” (<i>Stanišić and Zuljjanin</i> Adjudicated Facts Decision, para. 46), and the Trial Chamber should exercise its discretion against judicial notice.	Judicially noticed.
82	On 6 October 1991, the electricity supply from Bačka Palanka was cut off with the effect that there was no water in Šaregrad and Bapska as it was reliant on an electric pump. In Tovarnik, there were no houses that had not been “touched by gunfire of one sort or another” and “some were completely destroyed”. Ilica’s Catholic and Orthodox churches were destroyed and every house was pockmarked from bullets or attacks by heavier weaponry. The only civilians left in the village of Ilica were Serbian. Serb “volunteers” in Lovas had attacked specific homes on 10 October 1991 killing 22 Croats and one Serb. On 16 October 1991, European Community Monitoring Mission (“ECMM”) monitors learnt of ideas to relocate some 300 to 500 Croatian persons from the village of Lovas. The local defence “chief” described the population of the town as 1,800 Croatian and 136 Serbs.	Mrkšić TJ, para. 47	The term “Serb ‘volunteers’,” though perhaps innocuous or of no interest to the Defence in the <i>Mrksic</i> case, is of potential concern in the present case to the extent that the Indictment alleges that these individuals are subordinates of, or members of a JCE with, Goran Hadžić. Further, since Goran Hadžić is alleged in the pre-trial brief to be responsible through omission for all deprivations of human rights of all inhabitants of the RSK, this fact also arguably goes directly to his own “conduct.” The fact is therefore inadmissible under Ground H (acts, conduct, or mental state of accused) and pertains “to an objective of the joint criminal enterprise alleged by the Prosecution or it may relate to the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible.” <i>Stanišić and Zuljjanin</i> Adjudicated Facts Decision, para. 46.	Judicially noticed. Addition in bold made for clarity.
83	On 18 October 1991 the European Community Monitoring Mission (“ECMM”) received a plea from General Tus of the Croatian forces regarding the heavy artillery attacks that were launched on the Vukovar hospital wounding 83 persons. The ECMM was asked to intercede in order to get these attacks stopped. On visiting the hospital on 19 October 1991, one witness saw that all staff and patients were in the basement.	Mrkšić TJ, para. 48	The implication that the Vukovar Hospital was directly targeted by the JNA, though perhaps of only peripheral significance to the charges in the <i>Mrksic</i> case, are highly salient to this case in which members of the JNA were, at the time, alleged to be subordinates of, or members of a JCE with, Goran Hadžić. The fact is inadmissible under Grounds D (unclear or misleading in context of motion), E (identified with adequate precision), H (acts, conduct, or mental state of accused) and pertains “to an objective of the joint criminal enterprise alleged by the Prosecution or it may relate to the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible.” <i>Stanišić and Zuljjanin</i> Adjudicated Facts Decision, para. 46	Judicially noticed except for the struckthrough portion, which falls on Ground B (distinct, concrete, and identifiable) because it is a recitation of the evidence. Addition in bold made for clarity.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
84	On 12 and 13 November 1991, there was street-to-street fighting close to the centre of Vukovar. There was still shelling, mortar fire, heavy machine-gun fire, and explosions, but heavy artillery was no longer being used by the JNA because of the closeness of the opposing forces. Most communication broke down on 12 November 1991, when telephone lines were cut.	Mrkšić TJ, para. 50	Since the Prosecution alleges that Goran Hadžić is responsible for military operations in and around Vukovar, this fact potentially relates to his own acts and mental state and to “to the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible.” <i>Stanišić and Zupljanin</i> Adjudicated Facts Decision, para. 46. The fact is inadmissible under Ground H (acts, conduct, or mental state of the accused) and not appropriate for exercise of discretion in favour of judicial notice.	Judicially noticed.
85	On several occasions in late October and early November 1991, Vojislav Šešelj visited Vukovar and especially its Petrova Gora area. [D]uring his visits, Šešelj also moved about in a tank calling out to “Ustasas” to surrender, and that he spent the nights in the house of Miroljub Vujović, the commander of Petrova Gora TO detachment and later of Vukovar TO.	Mrkšić TJ, para. 51	Alleged visits and actions by a person alleged to be a subordinate of, or member of a JCE with, Goran Hadžić is a matter that goes to the core of the Prosecution case and should be adduced in this proceeding. The role of Seselj in Mrksic was of only peripheral significance and, therefore, findings from the evidence adduced in that case are not appropriate for recognition by judicial notice in this case, as is reflected by their vague and unspecific nature. The fact is inadmissible under Grounds B (distinct, concrete, and identifiable) and D (unclear or misleading in context of motion) and pertains “to an objective of the joint criminal enterprise alleged by the Prosecution or it may relate to the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible.” <i>Stanišić and Zupljanin</i> Adjudicated Facts Decision, para. 46.	Judicially noticed except for struckthrough portion.
86	Šešelj was the president of the Serbian Radical Party and of the Serbian Chetnik movement. Volunteers considered him a spiritual leader and an idol.	Mrkšić TJ, para. 51	Goran Hadzic is alleged to be criminally responsible for this group and for Vojislav Seselj. The fact is inadmissible under Ground H (acts, conduct, and mental state of accused and “relate[s] to the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible.” <i>Stanišić and Zupljanin</i> Adjudicated Facts Decision, para. 46.	Judicially noticed.
87	From 2 October till 18 November 1991 the JNA was constantly engaged in attack operations in and around the city of Vukovar. Combat operations were conducted more or less on a daily basis. These often involved attacks by JNA aircraft, artillery, tanks and rockets. While cease fire agreements were reached from time to time, they were violated by both sides. Under the might of the attack the destruction of the city progressed and, slowly but certainly, the siege of the city by the JNA was tightened until the Croat forces finally capitulated.	Mrkšić TJ, para. 52	The characterizations “destruction of the city” and “siege” are objected to in the extent that they imply any illegal targeting, and are inadmissible under Grounds D (unclear or misleading in context of motion) and F (characterisations of an essentially legal nature), and also for the reasons expressed above in relation to Fact No. 81.	Denied on Ground D (unclear or misleading in the context of the motion).

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
88	<p>In September 1991, the Croatian defence line was running from the Danube River between Mitnica and Vučedol and continued northwest through Adica and around Borovo Naselje and Lipovača. By early October 1991, Bogdanovci fell to the Serb forces, and later that month the Croatian defence line pulled back towards the city centre so that in the Sajmište area the front line ran north of the JNA barracks and the Petrova Gora neighbourhood. As of 1 November 1991 the Croatian defence were forced to withdraw from Sajmište and Duga Street to Otokara Keršovanija. On 10 November 1991, the 3rd company of the 1st motorised battalion of the Guards Motorised Brigade of the JNA (“3coy 1/gmtbr”) took Milovo Brdo, forcing the Croatian defence in this area to withdraw to positions close to the Vukovar hospital.</p>	Mrkšić TJ, para. 53	<p>Since the Prosecution alleges that Goran Hadzic is responsible for military operations in and around Vukovar, this fact potentially relates to his own acts and mental state and to “to the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible.” <i>Stanišić and Zupljanin</i> Adjudicated Facts Decision, para. 46. The fact is inadmissible under Ground H (acts, conduct, or mental state of the accused) and not appropriate for exercise of discretion in favour of notice.</p>	Judicially noticed.
89	<p>On 18 November 1991 the Croatian forces [in Vukovar] finally capitulated. The defence line was abandoned. During the preceding night there was still JNA shelling, although not in the area of the hospital, and early in the morning of 18 November 1991 there was a major action involving JNA tanks. By the afternoon Serb forces had reached the water tower in the Mitnica area and placed that territory under their control. Mitnica had been a stronghold of the Croatian forces until they surrendered there on 18 November 1991.</p>	Mrkšić TJ, para. 54	<p>The Defence objects to every sentence but the first sentence. Since the Prosecution alleges that Goran Hadzic is responsible for military operations in and around Vukovar, this fact potentially relates to his own acts and mental state and to “to the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible.” <i>Stanišić and Zupljanin</i> Adjudicated Facts Decision, para. 46. The fact is inadmissible under Ground H (acts, conduct, or mental state of the accused) and not appropriate for exercise of discretion in favour of notice.</p>	Judicially noticed.
90	<p>[During] the fighting in the Vukovar area from late August 1991 until 18 November 1991 had devastating consequences for the city and its surroundings. Many towns around Vukovar were destroyed. Luzac, Opatovac, Stompajvci, Tolonik, Trpinja, Bršadin, Petrovci, Negoslavci and Borovo Naselje were destroyed. The difference between Serb and Croat villages was obvious. In the former, the houses were generally untouched whereas in the latter, everything was torched and devastated.</p>	Mrkšić TJ, para. 55	<p>The Defence objects to every sentence but the first sentence. The contours of destruction may not have been a matter of significance in the <i>Mrksic</i> case, but is a live issue in the present case. The Prosecution mischaracterizes the third and fourth sentences, which are a summary of one witness’s description, not the Trial Chamber’s own description or finding (“As one witness described...”). Given the salience of the issue to the present case, any such observation ought to be duly tendered in the present case, not introduced by the back door as an adjudicated fact. Further, since Goran Hadžić is alleged in the pretrial brief to be responsible through omission for all deprivations of human rights of all inhabitants of the RSK, this fact also arguably goes directly to his own “conduct.” The highlighted phrase is inadmissible on Grounds D (unclear or misleading in context of motion), F (characterisations of essentially a legal nature), H (acts, conduct, or mental state of accused) and pertains to “core” issues in the present case.</p>	Judicially noticed except for the struckthrough portion, which falls on Grounds D (unclear or misleading in the context of the motion) and B (distinct, concrete, and identifiable) because it is unclear whether the last sentence is a finding of fact. Additions in bold made for clarity.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
91	Due to the constant shelling of private houses and property, most of the remaining families in Vukovar had been forced to live in basements and cellars. The ICRC referred to them as "mushroom people". Most did not emerge from their basements until the end of the siege, at which point many went to the hospital, believing it would guarantee their safety.	Mrkšić TJ, para. 57	The suggestion that people were forced to seek refuge in their basements exclusively because of shelling is one-sided, subjective, and does not appropriately reflect other causes. The ICRC's characterization of them is irrelevant. The fact is inadmissible on Grounds A (relevance) and B (distinct, concrete, and identifiable) and contains "subjective inferences" that are not suitable for judicial notice.	Judicially noticed.
92	The hospital in Vukovar, a multi-storey building, suffered extensive damage [during the siege of the town]. Virtually all windows were shattered and the roof was nearly destroyed. There were huge holes in the building, caused by projectiles. The hospital had suffered damage due to direct hits from a variety of weapons of heavy calibre, including shells from artillery and tanks, aircraft bombs, mortar shells and rockets from multi-barrelled launchers.	Mrkšić TJ, para. 58	The implication that the Vukovar Hospital was directly targeted by the JNA, though perhaps of only peripheral significance to the charges in the <i>Mrksic</i> case, is highly salient to this case in which members of the JNA were, at the time, alleged to be subordinates of, or members of a JCE with, Goran Hadžić. The fact is inadmissible under Grounds D (unclear or misleading in context of motion), E (identified with adequate precision), H (acts, conduct, or mental state of accused) and pertains "to an objective of the joint criminal enterprise alleged by the Prosecution or it may relate to the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible." <i>Stanišić and Zupljanin</i> Adjudicated Facts Decision, para. 46.	Judicially noticed.
93	During the fighting the upper levels of the hospital were vacated because of shelling, bombing and other destruction from the attacks of the Serb forces. As a consequence the patients, staff and the improvised medical treatment facilities were below ground in the desperately crowded basement areas. Water, electricity and other services had failed. Even essential medical supplies had been cut off by the Serb siege.	Mrkšić TJ, para. 58	The Defence objects to the last sentence. The issue may have been of only peripheral relevance in <i>Mrksic</i> , but has greater significance in a case where the Prosecution alleges that Goran Hadžić is alleged to be responsible through omission for all deprivations of human rights of all inhabitants of the RSK, and where he is alleged to be the superior of, or a member of a JCE with, persons who presumably were responsible for cutting off medical supplies. The fact is inadmissible on Grounds D (unclear or misleading in context of motion), F (characterisations of an essentially legal nature) and H (acts, conduct, or mental state of the accused) and concerns "core" issues (first discretionary factor) in the present case.	Judicially noticed except for the struckthrough portion, which falls on Ground D (unclear or misleading in the context of the motion).

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
C. Command Structure of Serb forces involved in Vukovar Operations				
94	<p>The Guard Motorized Brigade (gmtbr) existed long before the events [in Vukovar in 1991]. It was a, if not the, premier unit of the JNA. Its personnel were carefully selected, highly trained and well equipped. Its main responsibility was to provide security to the political and military leadership of the former Yugoslavia. The gmtbr comprised eight battalions: two motorised battalions, two military police battalions one of which included an anti-terrorist company, an armoured battalion, a light artillery battalion of anti-aircraft defence, a rear battalion, and a battalion responsible for securing significant buildings and facilities. It was subordinated directly to the Chief of Staff of the Federal Secretary for National Defence in Belgrade, at the material time, General Blagoje Adžić. Before the Vukovar operations, its numerical strength was approximately 4,000.</p>	Mrkšić TJ, para. 61	No specific objection	Judicially noticed.
95	<p>Colonel Mile Mrkšić had been appointed commander of the gmtbr on 9 July 1990 and remained in this position until 30 June 1992. The brigade's Chief of Staff and the deputy of Mile Mrkšić from 1989 until mid 1992 was Lieutenant-Colonel (LtCol) Miodrag Pani. Major Veselin Šljivančanin was the chief of the security organ of the gmtbr and thereby also of OG South throughout the time relevant to the Indictment. His deputy was Major Ljubiša Vukašinović. Captain Borče Karanfilov, Captain Mladen Karan and Captain Srečko Borisavljević were officers of the security organ and were among those subordinated to Veselin Šljivančanin. On 29 September 1991 Colonel Nebojša Pavković from the Federal Secretariat for National Defence was ordered by the Federal Secretary to "engage" in the command of the gmtbr during combat activities in the Vukovar sector and effectively served in Negoslavci under Mile Mrkšić as liaison officer to the Federal Secretariat and the intermediary command of the 1st Military District ("1 MD").</p>	Mrkšić TJ, para. 62	No specific objection	Judicially noticed.
96	<p>On 29 September 1991, pursuant to an order issued by the Chief of Staff of the Federal Secretary for National Defence, General Adžić, the Guards Motorised Brigade ("gmtbr") was committed to the fighting in the Vukovar area. To this end it was re-subordinated to the command of the 1st Military District ("1 MD") and remained subordinated to 1 MD until it left the Vukovar area. On 30 September 1991 the gmtbr arrived in the area of Vukovar. Upon its arrival and after being briefly subordinated to the command of 12th Corps, the gmtbr entered the structure of Operational Group South ("OG South").</p>	Mrkšić TJ, para. 63	No specific objection	Judicially noticed. Additions in bold made for clarity.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
97	On 30 September 1991 Operational Group South ("OG South") was under the command of 12 th Corps, which still coordinated the entire operation of Vukovar, including what became later known as operational zones north and south.	Mrkšić TJ, para. 63, fn. 197	No specific objection	Judicially noticed. Addition in bold made for clarity.
98	Vukovar having fallen on 18 November 1991, on 24 November 1991 the gmtbr left Vukovar and returned to Belgrade.	Mrkšić TJ, para. 68	No specific objection	Judicially noticed.
99	Operational Group South (OG South) was initially formed by the command of 1st Military District ("1 MD") sometime in the summer or autumn of 1991. Operational Group South ("OG South") was a temporary formation, set up in order to carry out a specific task. OG South was established to unify all military units acting in a geographic zone around and to the south of Vukovar under a single command. Another formation, Operational Group North ("OG North"), was established to perform a similar role in respect of an adjoining geographic zone generally to the north of the zone for which OG South was responsible. The southern perimeters of OG North's zone of responsibility extended into the northern reaches of the city of Vukovar itself.	Mrkšić TJ, para. 69	No specific objection	Judicially noticed. Additions in bold made for clarity.
100	As of 1 October 1991 units subordinate to OG South included the gmtbr, the TO unit Petrova Gora and the armoured battalion of the 544 th Motorised Brigade of the JNA, but this was extended considerably in the following weeks. At the time of the gmtbr's arrival in the Vukovar area OG South was under the command of Colonel Bajo Bojat.	Mrkšić TJ, para. 69	No specific objection	Judicially noticed.
101	On 8 October 1991 Mile Mrkšić was also appointed commander of Operational Group South ("OG South"). As of that date, [...] the command structure and staff of the gmtbr also became the command of OG South. By this means all other units serving in the zone of responsibility of OG South came under <i>de jure</i> and the full effective command of Mile Mrkšić and the Guard Motorised Brigade ("gmtbr") command. Pursuant to orders of the Federal Secretary for National Defence, the command of OG South was subordinated to, and reported one level up to, the command of 1st Military District ("1 MD").	Mrkšić TJ, paras 70-71	No specific objection	Judicially noticed. Additions in bold made for clarity.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
102	1 MD covered a vast area which included the territory of the 1 st Belgrade District, the 3 rd Skopje District, the 5 th Zagreb District, and the area of Eastern Slavonia. Geographically, it covered the area of Eastern Slavonia, Bosnia-Herzegovina and Central and Northern Serbia. As of 12 October 1991, 1st Military District ("1 MD") included the 12 th Corps, the 1 st Proletarian Guards Division, and (" Operational Group South ") OG South.	Mrkšić TJ, para. 71	No specific objection	Judicially noticed. Additions in bold made for clarity.
103	The commander of 1st Military District ("1 MD") was General Života Panić who reported directly the one further level up to the Chief of Staff of the Federal Secretary for National Defence (also referred to as the Chief of the General Staff), General Adžić.	Mrkšić TJ, para. 71	No specific objection	Judicially noticed. Addition in bold made for clarity.
104	In 1991 the Federal Secretary for National Defence, <i>i.e.</i> Minister of Defence, was General Veljko Kadijević.	Mrkšić TJ, para. 71	No specific objection	Judicially noticed.
105	Operational Group ("OG") South's area of responsibility (or zone of operations) covered an area approximately 14 kilometres long and 8 kilometres wide, which included the city of Vukovar up to the Vuka River (the boundary being the mouth of the Vuka River into the Danube), Jakubovac, Ovčara, Negoslavci, and Berak to the south; and Nustar, Petrovci, and Mirkovci, to the west.	Mrkšić TJ, para. 72	No specific objection	Judicially noticed. Addition in bold made for clarity.
106	The Vukovar hospital was located just to the north of the Vuka River and originally fell within the zone of responsibility of Operational Group ("OG") North. However, on 18 November 1991, OG South was ordered by the command of 1st Military District ("1 MD") to take the Vukovar hospital. Within the zone of responsibility of OG South, areas were further divided between the units attached to OG South, so that, generally, each unit carried out tasks within certain geographic borders. The command post of OG South was located in Negoslavci, a village situated south of Vukovar, and was housed in a vacated, private house. There was also a rear command post located in the village of Berak.	Mrkšić TJ, para. 72	No specific objection	Judicially noticed. Additions in bold made for clarity.
107	On 20 November 1991 Ovčara was within the zone of responsibility of Operational Group ("OG") South.	Mrkšić TJ, para. 81	No specific objection	Judicially noticed. Addition in bold made for clarity.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
108	The 80 mtbr of the JNA, also referred to as the Kragujevac Brigade comprised one tank battalion, three infantry battalions, a rear and an engineer's battalion. It also had a military police company and a light artillery anti-aircraft battalion ("LAD PVO"). At least in one period the 80 mtbr sent reports to 1st Military District ("1 MD") and in that period it may have been directly subordinated to 1 MD. In one period the 80 mtbr was also subordinated to the 24 th Kragujevac Corps. However, while stationed in the zone of responsibility of Operational Group ("OG") South, the 80 Motorised Brigade ("mtbr") and its component units came under the command of Mile Mrkšić.	Mrkšić TJ, para. 74	No specific objection	Judicially noticed. Additions in bold made for clarity.
109	The commander of the 80 mtbr was LtCol Milorad Vojnović. The brigade's Chief of Staff and Vojnović's deputy was LtCol Rade Danilović. Captain Dragi Vukosavljević was the chief of the 80 Motorised Brigade ("mtbr")'s security organ. Captain Dragan Vezmarović was the commander of the military police company of the 80 mtbr.	Mrkšić TJ, para. 75	No specific objection	Judicially noticed. Addition in bold made for clarity.
110	Sometime in late October or early November 1991, the 1 st infantry battalion of the 80 Motorised Brigade ("mtbr") ("1/80 mtbr"), but not the other elements of the 80 mtbr, was re-subordinated to Operational Group ("OG") North (Novi Sad Corps) and remained subordinated to OG North until 18 November 1991. Except for 1/80 mtbr, by an order of 7 November 1991, the 80 mtbr was resubordinated to OG South. In the following days OG South issued orders to the 80 mtbr assigning combat and other tasks and re-subordinating further units to it. From 15 to 20 November 1991, approximately 1000 soldiers were re-subordinated to the 80 mtbr.	Mrkšić TJ, paras 76-78	No specific objection	Judicially noticed. Additions in bold made for clarity.
111	On 22 November 1991 units of the 80 Motorised Brigade ("mtbr") entered the city of Vukovar. The command of the 80 mtbr was to take over responsibilities from Operational Group ("OG") South on 23 November 1991 as the Guards Motorised Brigade ("gmtbr") was about to withdraw to Belgrade.	Mrkšić TJ, para. 82	Since Goran Hadžić is alleged to have effective control over all Serb Forces at this time in this area, and as he is alleged to be responsible, through omission, for any alleged deprivation of human rights within a certain territory, this fact arguably relates to his acts, conduct or mental state, and is inadmissible on Ground H (acts, conduct, or mental state of the accused). For the same reasons, the allegation "relate[s] to the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible" (Stanišić and Zulpjanin Adjudicated Facts Decision, para. 46), and the Trial Chamber should exercise its discretion against judicial notice.	Judicially noticed. Additions in bold made for clarity.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
112	The command of Operational Group ("OG") South under Mile Mrkšić functioned until the Guards Motorised Brigade ("gmtbr") left Vukovar on 24 November 1991 and did not function thereafter.	Mrkšić TJ, para. 82	No specific objection	Judicially noticed. Additions in bold made for clarity.
113	With the withdrawal of the Guards Motorised Brigade ("gmtbr") from the Vukovar area on 24 November 1991, 80 Motorised Brigade ("mtbr") was left with responsibility for the city of Vukovar and Borovo Naselje. This, of course, included the area of Ovčara and its hangar.	Mrkšić TJ, para. 82	No specific objection	Judicially noticed except for struckthrough portion. Additions in bold made for clarity.
114	The 80 Motorised Brigade ("mtbr") left Eastern Slavonia on 14 January 1992.	Mrkšić TJ, para. 82	No specific objection	Judicially noticed. Addition in bold made for clarity.
115	Pursuant to the Law on All Peoples' Defence, the Territorial Defence, TO, was one of the two constituent elements of the armed forces of the former Yugoslavia, the other being the JNA. TO was organised on a territorial basis, at the level of local communities, municipalities, autonomous provinces and republics, the highest command level being the republican level.	Mrkšić TJ, para. 83	No specific objection	Judicially noticed.
116	The Law on All Peoples' Defence also allowed for the possibility in time of war, or in the event of an immediate threat of war or other emergencies, for the armed forces to be reinforced by volunteers. These were individuals who were not subject to military service and who had been accepted and had joined the armed forces at their own request. In this way volunteers became either members of the JNA or TO. The volunteers had the same rights and duties as the other military personnel and conscripts. While individuals could and did volunteer in this way, it was also common for volunteer units to be formed under the auspices of organisations such as political parties or trade unions and for these units, trained and equipped, to present for voluntary service, usually as TO. These often wore distinguishing emblems. Volunteers, especially volunteer units, were often referred to as paramilitaries.	Mrkšić TJ, para. 83	The Defence objects to the 2nd, 4th, and 5th sentences. The conclusions are based on the testimony of a JNA officer as to his interpretation of applicable legislation and practice. The bias, evidently, is to shift responsibility for as many units as possible away from the JNA and the Prosecution in that case had no particular need to contradict those assertions. The assertion that volunteers encompassed only those "not subject to military service" is not accurate, nor is it accepted that they were usually incorporated into the TO. These issues are highly relevant to the chain of command and the possession of effective control over specific forces. As these forces are alleged by the Prosecution to be under the de jure and de facto control of, and/or to be participants in a JCE with, Goran Hadžić, these are matters that go to the core of the Prosecution case and should be proven in this case. The fact is inadmissible under Grounds D (unclear or misleading in the context of motion) and F (characterisations of an essentially legal nature) and the 1st discretionary factor (core issue).	Judicially noticed except for the struckthrough portion, which falls on the first discretionary factor (core issue).
117	Both the JNA and TO were subordinated to the Supreme Defence Council. This reflected the governing principle of singleness or unity of command, according to which, at all relevant levels, command must be exercised by one single person.	Mrkšić TJ, para. 84	No specific objection	Judicially noticed.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
118	While TO commanders were responsible within their territorial structures to their superiors for their work, combat readiness and use of units, pursuant to the Law on All Peoples' Defence, in situations when JNA and TO forces were engaged in joint combat operations, these units were subordinated to the officer in charge of carrying out the operation.	Mrkšić TJ, para. 84	The fact in question is important and should – in particular the definition of “joint combat operations” – be established through evidence before the Trial Chamber. These are matters that go to the core of the case.	Judicially noticed.
119	TO units active in the zone of responsibility of Operational Group (“OG”) South and during the period relevant to the Indictment [18-21 November 1991] were organised in TO detachments, which comprised TO companies and TO platoons. A detachment was at the national organisational level of a JNA battalion and properly would consist of approximately 700 men although this number could be lower. In Vukovar, however, TO detachments, generally, would comprise only 150 to 200 men.	Mrkšić TJ, para. 90	The last sentence of the proposed fact disregards variations depending on origin of the TO detachment, and is objected on this basis as vague, as pertaining to an issue that may assume particular importance in this case. The proposed fact pertains to core matters that should not be circumvented by resort to judicial notice of an adjudicated fact.	Judicially noticed. Additions in bold made for clarity.
120	When the Guards Motorised Brigade (“gmtbr”) arrived in Vukovar on 30 September 1991, there were approximately 10 TO units represented in Vukovar. However, the only TO unit at detachment level in the zone of responsibility of Operational Group (“OG”) South was Petrova Gora TO, which was smaller than the usual size of a TO detachment. One estimate put it at 344 men.	Mrkšić TJ, para. 91	The lack of specification of which TO units is objectionable on the same Grounds as mentioned in respect of proposed fact number 119.	Judicially noticed except for the struckthrough portion, which falls on Ground B (distinct, concrete, and identifiable) because it is not a finding of fact. Additions in bold made for clarity.
121	In October 1991 Miroljub Vujović was appointed commander of Petrova Gora TO detachment replacing Dušan Jakšić, who was moved to a support role in the rear. On 20 November 1991 after the fall of Vukovar, Miroljub Vujović was appointed commander of all Vukovar TO by Mile Mrkšić. Stanko Vujanović was a TO commander in Vukovar throughout the material time [18-21 November], and was seen by many at the time as Miroljub Vujović's deputy.	Mrkšić TJ, para. 92	No specific objection	Judicially noticed. Addition in bold made for clarity.
122	A volunteer (or paramilitary) unit known as Leva Supoderica also operated in Vukovar, in the zone of responsibility of Operational Group (“OG”) South . An order issued by the command of OG South on 29 October 1991, <i>inter alia</i> , to the 1 st Assault Detachment (“1 AD”) listed Leva Supoderica as one of the units incorporated in 1 AD.	Mrkšić TJ, para. 93	No specific objection	Judicially noticed.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
123	<p>Leva Supoderica's numerical strength is not established by the evidence although some evidence suggests that it comprised about 100 men. [During the Vukovar operation], the [Leva Supoderica] unit was made up of local men, from the Leva or Desna Supoderica area of Vukovar, and members of Šešelj's Radical Party who started arriving as volunteers in the operations area of Operational Group ("OG") South approximately between 15 and 20 October 1991. Because of its affiliation with Šešelj's Radical Party Leva Supoderica was also referred to as the "Šešeljevci" Unit (or Šešelj's men). It was under the command of Milan Lančuzanin, aka Kameni ("Stone Face"). His deputy was Predrag Milojević, aka Kinez ("Chinese"). Leva Supoderica was active in the Petrova Gora neighbourhood of Vukovar. Its headquarters was on Nova Street, not far from Stanko Vujanović's house, which was located on Nova Street No 81.</p>	Mrkšić TJ, para. 93	No specific objection	Judicially noticed except for the struckthrough portion, which falls on Ground B (distinct, concrete, and identifiable) because it is not a finding of fact. Additions in bold made for clarity.
124	<p>Assault detachments were formed in the area of Vukovar before the period of the indictment [18-21 November]. They were typically of the size of a reinforced battalion. The assault detachments comprised several assault groups. The evidence indicates that in the Vukovar operation these assault groups were of the size of a company, <i>i.e.</i> larger than the normal size. [T]hroughout October and November 1991 until Vukovar fell, the command of Operational Group ("OG") South exercised direct command authority over up to five assault detachments in respect of their combat operations. These detachments included TO and volunteer or paramilitary units.</p>	Mrkšić TJ, paras 97-98	No specific objection	Judicially noticed. Additions in bold made for clarity.
125	<p>The commander of the 1st Assault Detachment (1 AD) was Borivoje Tešić. The 1 AD and included the 1st battalion in the Guards Motorised Brigade ("gmtbr") (1/gmtbr), Petrova Gora TO detachment, which at the time was under the command of Miroljub Vujović, the paramilitary unit Leva Supoderica under the command of Milan Lančuzanin, and several other volunteer companies and platoons. [Tešić's] command post was located on Svetozara Markovica Street in Vukovar. This command post served as the command post for both 1/gmtbr and 1 AD.</p>	Mrkšić TJ, para. 99	No specific objection	Judicially noticed. Additions in bold made for clarity.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
126	[W]hile Milan Lančuzanin commanded the Leva Supoderica volunteer unit, and Mirosljub Vujović commanded the Petrova Gora TO detachment, each of these commanders and most of their men, in combat operations, were subject to the command of Miroslav Radić, in his capacity as the commander of an assault group (AG) which was one of the assault groups in 1st Assault Detachment ("1 AD") .	Mrkšić TJ, para. 99	No specific objection	Judicially noticed. Addition in bold made for clarity.
127	[The 2 nd Assault Detachment (2 AD)] included 2nd Motorised Battalion of the Guards Motorised Brigade ("2/gmtbr") , 2nd Military Police Battalion of the Guards Motorised Brigade ("2MP/gmtbr") , and from 2 to 20 October 1991, the anti terrorist company of 1st Military Police Battalion of the Guards Motorised Brigade ("1MP/gmtbr") . The commander of 2 AD initially was Major Adem Bajić. He was subsequently replaced by Major Branislav Lukić, so that on 20 November 1991 the commander of 2 AD time was Major Lukić who was also the commander of the JNA barracks in Vukovar. The area of responsibility of 2 AD included Velepromet and Sajmište.	Mrkšić TJ, para. 103	No specific objection	Judicially noticed except for the struckthrough portion. Additions in bold made for clarity.
128	[O]n 21 November 1991, [...] the command of Operational Group ("OG") South re-subordinated Leva Supoderica to the 12 th Corps and by the same order the Vukovar TO units, which included Petrova Gora TO, were re-subordinated to the 80 Motorised Brigade ("mtbr") . While there was no reference in this order to the command of 1st Assault Detachment ("1 AD") , the order was addressed, <i>inter alia</i> , to the commander of 1st Motorised Battalion of the Guards Motorised Brigade ("1/gmtbr") , Major Tešić, to the commander of Leva Supoderica, and to the commander of Vukovar TO.	Mrkšić TJ, para. 106	No specific objection	Judicially noticed. Additions in bold made for clarity.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
129	<p>Town (and village) commands in the area of responsibility of Operational Group ("OG") South were established during November 1991 by the command of OG South pursuant to orders from the command of 1st Military District ("1 MD"). Town commanders were required under JNA rules to prevent sabotage and terrorist activity in their area of responsibility, to ensure proper transportation, to prepare conditions necessary for the civilian authorities to function, to be responsible for general security, law and order, to prevent looting and ensure physical security to persons in their area. According to the rules in force at the time, anybody entering the area of responsibility of a town commander was to report to the town commander who was to inform that person of the rules of conduct which applied in that area.</p>	Mrkšić TJ, para. 110	No specific objection	Judicially noticed. Additions in bold made for clarity.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
IV. Adjudicated Facts Relating to Events on 18 and 19 November 1991 in Vukovar				
A. Zagreb Agreement				
130	<p>The Croatian forces in and around Vukovar capitulated on 18 November 1991. Coincidentally, on that day, representatives of the Republic of Croatia and the JNA had concluded an agreement in Zagreb on the evacuation of the sick and wounded from Vukovar hospital ("Zagreb Agreement" or "Agreement"). Negotiations for the Agreement had been conducted during the previous days. The Agreement was signed by Dr Andrija Hebrang, the Minister of Health of the Republic of Croatia, General Andrija Rašeta, representing the JNA, and Mr Georges Marie Chenu, head of the European Community Monitoring Mission ("ECMM") in Zagreb. Representatives of the International Committee of the Red Cross ("ICRC"), of Médecins Sans Frontières ("MSF") and Malteser Kreuz also participated in the negotiations.</p>	Mrkšić TJ, para. 130	The only relevant issue within this proposed fact is the existence and content of the Zagreb agreement, which can and should be tendered as such in this case. Entering an adjudicated fact is, in these circumstances, a second-best form of evidence. The proposed fact is inadmissible on Grounds A (relevance), B (distinct, concrete, and identifiable) and D (unclear or misleading in context of motion), and is of sufficient importance to be proven directly in this case, rather than as an adjudicated fact.	Denied judicial notice because the Zagreb Agreement should be tendered into evidence.
131	<p>Both the Republic of Croatia and the JNA agreed [on 18 November 1991] to guarantee a ceasefire in the area surrounding the hospital during the evacuation and along the agreed evacuation route to Zidine in Croatia. The guarantee of ceasefire would cover regular and irregular units in the areas "in which they would respectively have responsibility for the evacuation operation" and assurances that the route was clear of mines in the respective areas of responsibility. The JNA and the Republic of Croatia agreed to recognize the neutrality of the hospital during the evacuation.</p> <p>The hospital was to be put under the protection of the International Committee of the Red Cross ("ICRC"), which would advise both the JNA and the Republic of Croatia on neutrality during the pertinent period. The evacuation was to be monitored by monitors from the European Community Monitoring Mission ("ECMM"), who were to have full access to all stages of the evacuation. The JNA and the Republic of Croatia agreed to facilitate the involvement of the ICRC, Médecins Sans Frontières ("MSF") and Malteser Kreuz as appropriate.</p>	Mrkšić TJ, para. 132	The only relevant issue within this proposed fact is the existence and content of the Zagreb agreement, which can and should be tendered as such in this case. Entering an adjudicated fact is, in these circumstances, a second-best form of evidence. The proposed fact is inadmissible on Grounds A (relevance), B (distinct, concrete, and identifiable) and D (unclear or misleading in context of motion), and is of sufficient importance to be proven directly in this case, rather than as an adjudicated fact.	Denied judicial notice because the Zagreb Agreement should be tendered into evidence.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
132	<p>[...] [The] Zagreb agreement between the JNA and the Croatian side provided that prisoners of war should be exchanged and that this should be on the principle "all for all." The agreement required that the prisoners' names be provided to the other side and to the International Committee of the Red Cross ("ICRC") in advance and that the ICRC and European Community Monitoring Mission ("ECMM") be present at the time of the exchange.</p>	Mrkšić TJ, para. 578	The only relevant issue within this proposed fact is the existence and content of the Zagreb agreement, which can and should be tendered as such in this case. Entering an adjudicated fact is, in these circumstances, a second-best form of evidence. The proposed fact is inadmissible on Grounds A (relevance), B (distinct, concrete, and identifiable), and D (unclear or misleading in context of motion), and is of sufficient importance to be proven directly in this case, rather than as an adjudicated fact.	Denied judicial notice because the Zagreb Agreement should be tendered into evidence.
133	<p>[I]t is apparent that [on 18 November 1991] the Zagreb Agreement did not depend on the capitulation by the Croatian forces, nor was it reached as a consequence of their capitulation. The agreed evacuation was to take place whether or not the fighting at Vukovar persisted. The Agreement did not contain provisions authorising the JNA to select people to be evacuated, nor did it provide for the possibility of sick and wounded patients being handed over to any force or body other than the Republic of Croatia. The effect of the terms of the Agreement was for the International Committee of the Red Cross ("ICRC") to coordinate the evacuation with the European Community Monitoring Mission ("ECMM") acting as monitors.</p>	Mrkšić TJ, para. 132	The only relevant issue within this proposed fact is the existence and content of the Zagreb agreement, which can and should be tendered as such in this case. Entering an adjudicated fact is, in these circumstances, a second-best form of evidence. The proposed fact is inadmissible on Grounds A (relevance), B (distinct, concrete, and identifiable), and D (unclear or misleading in the context of motion), and is of sufficient importance to be proven directly in this case, rather than as an adjudicated fact.	Denied judicial notice because the Zagreb Agreement should be tendered into evidence.
134	<p>It was not stated in [on 18 November 1991] Zagreb Agreement when the agreed evacuation should take place. In fact, this depended on the respective opposing forces effecting the necessary ceasefire and ensuring safe passage for the evacuees. It is also apparent that the object of the Agreement was the relief of the humanitarian crisis at Vukovar hospital so that urgent evacuation was implied. To this end, on 17 November 1991, in the apparent expectation of the conclusion of the Agreement, the Croatian Minister Andrija Hebrang informed the Medical Director of Vukovar hospital, Dr Vesna Bosanae, that two International Committee for the Red Cross ("ICRC") teams would arrive on 18 November 1991 to carry out the evacuation, and Dr Vesna Bosanae informed Minister Andrija Hebrang of the number of sick and wounded in the hospital to be evacuated.</p>	Mrkšić TJ, para. 134	The only relevant issue within this proposed fact is the existence and content of the Zagreb agreement, which can and should be tendered as such in this case. Entering an adjudicated fact is, in these circumstances, a second-best form of evidence. The proposed fact is inadmissible on Grounds A (relevance), B (distinct, concrete, and identifiable) and D (unclear or misleading in the context of the motion), and is of sufficient importance to be proven directly in this case, rather than as an adjudicated fact.	Denied judicial notice because the Zagreb Agreement should be tendered into evidence.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
135	<p>At around 1200 hours, on the following day, 19 November 1991, Dr Vesna Bosanac met Mile Mrkšić at his Operational Group ("OG") South command at Negoslavci. They talked about the evacuation of the hospital. On Vesna Bosanac's evidence, Mile Mrkšić said that the ICRC and ECMM were preventing them from reaching an agreement and suggested that they should agree on the evacuation among themselves. Vesna Bosanac told him that an agreement had been signed between the Croatian government, the JNA, ECMM and ICRC and that the evacuation of the hospital would be organised by the ICRC and ECMM.</p> <p>Mrkšić responded that as the situation had improved and the shooting stopped, the JNA were now in a better position to conduct the evacuation. He further said that he did not know what General Rašeta had signed and commented that "Rašeta was in Zagreb and not on the ground." Mile Mrkšić told Dr Vesna Bosanac that the evacuation would have to take place on 20 November 1991. He said this was because mines needed to be cleared at Zidine in order for the convoy to pass. Before she left Negoslavci, Vesna Bosanac heard Mile Mrkšić give orders for JNA soldiers to guard each of the hospital entrances. Further, as Vesna Bosanac was leaving Negoslavci she saw a white vehicle, thought it was the monitors and wanted to speak with them, but was denied permission.</p>	Mrkšić TJ, para. 137	Mrksic falls within the Prosecution's definition of those allegedly subordinated to, or participating in a JCE, with Goran Hadžić. The proposed adjudicated facts, to the extent that they are probative of anything, pertain to the conduct and mental state of a person of authority who is alleged to be close to Goran Hadžić in respect of the perpetration of a crime. The content of this adjudicated fact "relate[s] to the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible," and is properly a matter for evidence in this case. Further, since Goran Hadžić is alleged in the pre-trial brief to be responsible through omission for all deprivations of human rights of all inhabitants of the RSK, this fact also arguably goes directly to his own "conduct." The fact is inadmissible on Grounds D (unclear or misleading in the context in which it is placed) and H (acts, conduct, or mental state of the accused) and is not suitable for a favourable exercise of discretion for recognition as an adjudicated fact.	Judicially noticed except for the struckthrough portions, which fall on Ground B (distinct, concrete, and identifiable) because it is a recitation of the evidence. Addition in bold made for clarity.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
136	<p>Veselin Šljivančanin was [...] at the hospital in the afternoon of 19 November 1991, together with Nicolas Borsinger, who enquired whether the hospital had a list of the people to be evacuated and Vesna Bosanae gave him a copy. Veselin Šljivančanin then demanded all the copies "in order to be able to compare". Vesna Bosanae clarified that the hospital staff and their family members were not on this list.</p>	<p>Mrkšić TJ, para. 141</p>	<p>Šljivančanin falls within the Prosecution's definition of those allegedly subordinated to, or participating in a JCE, with Goran Hadžić. The proposed adjudicated facts, to the extent that they are probative of anything, pertain to the conduct and mental state of a person of authority who is alleged to be close to Goran Hadžić in respect of the perpetration of a crime. The content of this adjudicated fact "relate[s] to the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible," and it properly a matter for evidence in this case. Further, since Goran Hadžić is alleged in the pre-trial brief to be responsible through omission for all deprivations of human rights of all inhabitants of the RSK, this fact also arguably goes directly to his own "conduct." The fact is inadmissible on Grounds D (unclear or misleading in context of motion) and H (acts, conduct, or mental state of the accused) and is not suitable for a favourable exercise of discretion for recognition as an adjudicated fact.</p>	<p>Denied judicial notice on Ground B (distinct, concrete, and identifiable) as it is a recitation of the evidence.</p>
137	<p>Following [the exchange between Šljivančanin, Bosanae and Borsinger in the afternoon of 19 November 1991], Nicolas Borsinger told Vesna Bosanae, in the presence of Veselin Šljivančanin, that the International Committee for the Red Cross ("ICRC") was unable to stay during the night but that they would return at 0800 hours on the following day. Shortly after that Vesna Bosanae, and also the Croatian Government Commissioner for Vukovar, Marin Vidić, were taken to the Operational Group ("OG") South command post in Negoslavei. There, Dr Vesna Bosanae was questioned by Veselin Šljivančanin about the whereabouts of a commander of the Croatian forces in Vukovar. She spent the night at Negoslavei and was returned to the hospital at 0600 hours on the following day.</p>	<p>Mrkšić TJ, para. 142</p>	<p>Mrksic falls within the Prosecution's definition of those allegedly subordinated to, or participating in a JCE, with Goran Hadžić. The proposed adjudicated facts, to the extent that they are probative of anything, pertain to the conduct and mental state of a person of authority who is alleged to be close to Goran Hadžić in respect of the perpetration of a crime. The content of this adjudicated fact "relate[s] to the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible," and is properly a matter for evidence in this case. Further, since Goran Hadžić is alleged in the pre-trial brief to be responsible through omission for all deprivations of human rights of all inhabitants of the RSK, this fact also arguably goes directly to his own "conduct." The fact is inadmissible on Grounds D (unclear or misleading in context of motion) and H (acts, conduct, or mental state of the accused) and is not suitable for a favourable exercise of discretion for recognition as an adjudicated fact.</p>	<p>Denied judicial notice on Ground B (distinct, concrete, and identifiable) as it is a recitation of the evidence.</p>

B. Mitnica Evacuation

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
138	<p>On the evening of 17 November 1991, negotiators for the Croatian forces initiated contact with the JNA via radio and arranged for negotiations to be held in the morning of the following day. [...] Mile Mrkšić and Marin Vidić, the Croatian Government Commissioner for Vukovar, talked twice in the morning of 18 November 1991 [...]. Veselin Šljivančanin and Nicolas Borsinger, the senior International Committee for the Red Cross ("ICRC") representative, also met on 18 November 1991 around 1000 hours, before the surrender negotiations started.</p>	Mrkšić TJ, para. 145	No specific objection	Judicially noticed. Addition in bold made for clarity.
139	<p>During the morning of 18 November 1991 surrender negotiations were held. International news crews filmed part of the negotiations. The negotiations took place in the area of Vučedol near Mitnica in Vukovar. Participants in the negotiations were Filip Karaula, commander of the Croatian forces, Matija Mandić, and Zdravko Komsić for the Croatian forces, and Colonel Nebojša Pavković, the Federal Secretariat's liaison officer to Operational Group ("OG") South and Marko Marić from the JNA. Nicolas Borsinger from the International Committee for the Red Cross ("ICRC") also attended at the request of the Croatian forces as a guarantee that the agreement would be respected. The negotiations lasted approximately one and a half to two hours. An agreement was reached on the surrender of the Croatian forces, which would take place the same afternoon.</p>	Mrkšić TJ, para. 146	No specific objection	Judicially noticed. Additions in bold made for clarity.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
140	<p>It was agreed that the Croatian forces would surrender themselves and their weapons to the JNA, and that the surrender would be monitored by ICRC representatives, who would record the names and take photographs of those surrendering. The Croatian forces were to be treated as prisoners of war in accordance with the Geneva Convention. It was further agreed that civilians from Mitnica would be evacuated to parts of Croatia not engulfed by the war. The Croatian forces specified that they did not trust the Serb TO and would not surrender to them. The Croatian forces and civilians were to assemble at an agreed collection point, which was at a wide clearing on the way to the cemetery. This was implemented. There was radio communication between the negotiators for the Croatian forces and the JNA throughout the gathering at the collection point. Once everyone had gathered, a Croatian negotiator drove away and on his return he said the evacuation could proceed.</p>	Mrkšić TJ, para. 147	No specific objection	Judicially noticed.
141	<p>Mile Mrkšić, the commander of Operational Group ("OG") South, ordered the commander of the 80 Motorised Brigade ("mtbr"), LtCol Milorad Vojnović to secure the Mitnica group. This order was implemented by the military police of the 80 mtbr under the command of Captain Dragan Vezmarović and other officers from the command of the 80 mtbr. LtCol Vojnović with Captain Vezmarović looked for an appropriate location where the prisoners could be kept until they were evacuated. They identified a large hangar at a pig farm at Ovčara, and LtCol Vojnović ordered Captain Vezmarović to prepare the hangar to receive a large group of prisoners. LtCol Vojnović reported to Mile Mrkić that he had found an appropriate place to keep the prisoners.</p>	Mrkšić TJ, para. 148	No specific objection	Judicially noticed. Additions in bold made for clarity.
142	<p>The surrender started in the afternoon on 18 November 1991, at approximately 1400-1500 hours, while there was still daylight. The surrender of weapons took place at the entrance to the new cemetery. At least some of the Croatian forces were wearing civilian clothes. The surrender of the Croatian forces lasted until dusk. In all, 181 Croatian fighters commanded by Filip Karaula surrendered to the JNA on 18 November 1991. There were six officers among them.</p>	Mrkšić TJ, para. 149	No specific objection	Judicially noticed.
143	<p>After the surrender of weapons the Croatian prisoners of war were transported to the Ovčara farm on buses escorted by military vehicles. Aernout van Lynden understood that Croatian prisoners of war and some civilians were transported to Ovčara together in a mixed group, although at least some civilians used their own vehicles to reach Ovčara. At Ovčara, the civilians were separated from the prisoners of war and were taken elsewhere.</p>	Mrkšić TJ, para. 150	The fact in question is based on the testimony of a witness who is to appear as a witness in the present case. Judicial notice does not, in these circumstances, lead to judicial economy.	Judicially noticed except for the struckthrough portion, which falls on Ground B (distinct, concrete, and identifiable) because it is a recitation of the evidence and not a finding of fact.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
144	At approximately 1600 hours, while "there was still natural light", the first group of prisoners of war who surrendered at Mitnica arrived at Ovčara. During the night, the remaining prisoners of war from Mitnica arrived there.	Mrkšić TJ, para. 153	No specific objection	Judicially noticed.
145	Upon arrival of the prisoners of war at Ovčara, LtCol Vojnović, the commander of the 80 Motorised Brigade ("mtbr"), told Captain Vezmarović that from then on, he was to take orders from Captain Borče Karanfilov, a subordinate of Veselin Šljivančanin from the security organ of Operartional Group ("OG") South, who was to be in charge of security. Captain Karanfilov proceeded, however, to hand over the security of the prisoners to Captain Vezmarović, emphasizing that the prisoners of war should be treated in accordance with the Geneva Conventions.	Mrkšić TJ, para. 153	No specific objection	Judicially noticed. Additions in bold made for clarity.
146	Efforts were made to ensure that the facilities for the Croatian prisoners of war were adequate considering the weather conditions, as it was already very cold. The prisoners were given food and water. The prisoners of war spent the night in the hangar. Armed men, who Captain Vezmarović assumed to be Vukovar TOs, came throughout the night to enquire about the Croatian prisoners of war. A drunken lieutenant-colonel from the gmtbr also arrived with a similar enquiry. No one was allowed access, the visitors were sent away and the night passed quietly. During the night, Captain Vezmarović compiled a hand-written list with the names of the prisoners of war.	Mrkšić TJ, para. 154	No specific objection	Judicially noticed.
147	On 19 November 1991 between 0900 and 1000 hours, on the orders of Veselin Šljivančanin, Captain Karanfilov returned to Ovčara because international monitors were due to arrive and organise the transfer of the Croatian prisoners of war to Sremska Mitrovica. A convoy of military vehicles, buses and International Committee for the Red Cross ("ICRC") vehicles arrived at around 1100 hours. The prisoners of war had the opportunity to tell the ICRC of any occurrences of violations or mistreatment, but no one complained. At 1130 hours, Captain Vezmarović handed over the Croatian prisoners of war to Captain Karanfilov and reported to him on the night's events. [...] Captain Karanfilov then told Captain Vezmarović to get his list typed up. The Croatian prisoners of war were transported to Sremska Mitrovica, escorted by JNA forces of Operational Group ("OG") South.	Mrkšić TJ, para. 155	No specific objection	Judicially noticed. Additions in bold made for clarity.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
	On the orders of LtCol Vojnović, once it had been typed out, Captain Vezmarović delivered the list of the prisoners to the KP Dom prison in Sremska Mitrovica between 1530 and 1630 hours on 19 November 1991. The list identified 181 prisoners of war.			

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
C. Evacuation of Civilians From Vukovar				
148	On 18 November 1991 over 4000 civilians took steps to leave Vukovar. The civilians consisted of men, women, children, and the elderly. Their evacuation was assisted by the JNA. [T]he civilians assembled at a collection point in the Mitnica area which appears to be the same as the surrender point for the Croatian forces from Mitnica. Veselin Šljivančanin, assisted by Major Vukašinović and unidentified Vukovar TOs, who had local knowledge and knew many of the local population, interviewed civilians who had gathered at the collection point. [I]n effect they were seeking to ensure that no members of the Croat forces were seeking to be evacuated as civilians.	Mrkšić TJ, para. 157	No specific objection	Judicially noticed, except for the struckthrough portion, which falls on Ground B (distinct, concrete, and identifiable) as it is not a finding a fact.
149	From the collection point in Mitnica some civilians were transported to Velepromet while others were transported initially to Ovčara. The civilians arrived at Ovčara on buses or in their private cars at approximately 2200 or 2300 hours. It does not appear that any civilians stayed at Ovčara for an extended period of time. [T]hey were then continuously transported by bus to Croatia or to Serbia. This process started late in the evening of the 18 November 1991 and continued throughout the night and into the following morning. Their private cars remained at Ovčara. JNA personnel were present throughout the transportation of the civilians.	Mrkšić TJ, para. 158	No specific objection	Judicially noticed, except for the struckthrough portion, which falls on Ground B (distinct, concrete, and identifiable) as it is not a finding of fact. Additions in bold made for clarity.
150	Convoys of civilians were leaving Vukovar throughout 18, 19 and 20 November 1991. [A]t least one convoy consisting of 16 buses with civilians was turned back by Croatian authorities on 18 November 1991 and had to return to the area of responsibility of OG South.	Mrkšić TJ, para. 158	No specific objection	Judicially noticed.
D. Events at Velepromet on 19 November 1991				
151	On 19 November 1991, a large number of people who had gathered at the Vukovar hospital were taken from there to the facility of Velepromet by the JNA. This facility, located a few hundred metres from the JNA barracks in Vukovar, consisted of several hangars and a few buildings and was used as a warehouse. It was across the street from a warehouse of the Vupik company. The Vupik company was the owner of several commercial facilities, including this warehouse, a wine cellar and the farm at Ovčara.	Mrkšić TJ, para. 161	No specific objection	Judicially noticed.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
152	[A]t the entrance to Velepromet persons brought from various directions were separated according to their ethnicity. When Josip Čović arrived at Vupik, a JNA officer appeared and ordered that elderly people, women and children be separated from other civilians and from “defenders”, who had also been brought there from various locations.	Mrkšić TJ, para. 162	No specific objection	Judicially noticed.
153	[O]n 19 November 1991 some hundreds of non-Serb people were taken from the Vukovar hospital and transferred to the facility of Velepromet by Serb forces. Others arrived at Velepromet from elsewhere. At Velepromet these people were separated according to their ethnicity and suspicion of involvement in the Croatian forces. [I]nterrogations of some of these people were conducted at Velepromet in the course of which the suspects were beaten, insulted or otherwise mistreated. A number of them were shot dead at Velepromet, some of them on 19 November 1991. [M]any, if not all, of the persons responsible for the brutal interrogations and killings were members of the Serb TO or paramilitary units.	Mrkšić TJ, para. 167	The Defence objects to the last sentence. Responsibility for killings at Velepromet were not within the scope of the Mrksic et al. indictment, but are relevant in this case. It is a “core” issue in the present case, particularly given the gravity of the allegations (first discretionary factor). Since Goran Hadžić is alleged in the pre-trial brief to be responsible through omission for all deprivations of human rights of all inhabitants of the RSK, and since he is alleged to be the superior of, or a participant in a joint criminal enterprise, with all Serb Forces including “members of the Serb TO or paramilitary units,” this fact arguably goes directly to his own “conduct.” The fact is inadmissible on Grounds D (unclear or misleading in the context of the motion), F (characterisations or findings of an essentially legal nature) and H (acts, conduct, or mental state of the accused) and “to the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible.” <i>Stanišić and Zupljanin</i> Adjudicated Facts Decision, para. 46.	Judicially noticed except for struckthrough portions, which fall on the first discretionary factor (core issue).
154	In the evening hours of 19/20 November 1991, some of the people detained at Velepromet were transferred on buses guarded by the JNA to the prison at Sremska Mitrovica. Civilians not suspected of involvement in the Croatian forces were evacuated from Velepromet to destinations in Croatia and Serbia at some time on 20 November 1991.	Mrkšić TJ, para. 168	No specific objection	Judicially noticed.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
E. Inspection of Velepromet by counter-intelligence officers				
155	When the Croat forces capitulated, JNA counter-intelligence officers from the Federal Secretariat for National Defence and from the 1st Military District ("1 MD") in Belgrade arrived in Vukovar to provide assistance to Mile Mrkšić and his staff at Operational Group South ("OG South") in handling prisoners of war captured by Serb forces in the area of Vukovar. These counter-intelligence officers were specifically tasked to interview prisoners of war in the area with regard to crimes of war.	Mrkšić TJ, para. 169	The Defence objects to the last sentence. Mrkšić and his staff fall within the Prosecution's definition of those allegedly subordinated to, or participating in a JCE, with Goran Hadžić. The content of this adjudicated fact "relate[s] to the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible," and it properly a matter for evidence in relation to a "core" issue in this case. Moreover, this fact arises from a case in which all defendants sought to narrowly define the scope of their activities and authority. Judicially noticing this fact, under these circumstances, would not be appropriate. The fact is inadmissible under Grounds D (misleading in context of moving party's motion) and H (acts, conduct, and mental state of the accused), and is not appropriate for recognition.	Judicially noticed. Additions in bold made for clarity.
156	[T]he team of officers from the Federal Secretariat for National Defence, arrived at the command post in Negoslavei at 2000 hours on 19 November 1991, and had a meeting with Mile Mrkšić. Mile Mrkšić then informed the team that prisoners of war were being held at Velepromet and that there was information that in the Vukovar hospital war criminals were hiding with the wounded and civilians.	Mrkšić TJ, para. 170	No specific objection	Denied on Ground B (distinct, concrete, and identifiable) because it is unclear whether the citation is a recitation of the evidence or a finding of fact.
157	Mile Mrkšić was informed directly, or through his command reporting process, of the mistreatment of prisoners of war at Velepromet by Serb TOs and paramilitaries and the opposition they showed and expressed to the removal of prisoners of war to Sremska Mitrovica, matters reported both by the officer sent by Colonel Vujić and Colonels Kijanović and Tomić. Further he was also directly informed of these matters and that prisoners were being killed when Bogdan Vujić reported to him in the early hours of 20 November 1991, immediately on Vujić's return to Operational Group ("OG") South from Velepromet. [A]lso, [...] Veselin Šljivančanin was directly told of these same matters by Colonel Vujić shortly after Vujić had reported to Mile Mrkšić.	Mrkšić TJ, para. 175	Mrkšić, Šljivančanin, the TOs and "paramilitaries" all arguably fall within the Prosecution's definition of those allegedly subordinated to, or participating in a JCE, with Goran Hadžić. The content of this adjudicated fact "relate[s] to the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible," and it properly a matter for evidence in relation to a "core" issue in this case. Further, since Goran Hadžić is alleged in the pre-trial brief to be responsible through omission for all deprivations of human rights of all inhabitants of the RSK, this fact also arguably goes directly to his own "conduct." The fact is inadmissible on Grounds D (misleading in context of moving party's motion) and H (acts, conduct, and mental state of the accused) and is not suitable for a favourable exercise of discretion for recognition as an adjudicated fact.	Judicially noticed. Addition in bold made for clarity.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
V. Events on 20 November 1991				
A. JNA control of Vukovar hospital				
158	<p>On 18 November 1991 Operational Group ("OG") South was ordered to take the Vukovar hospital by 1000 hours on 19 November 1991. The order issued by the commander of 1st Military District ("1 MD"), General Života Panić, gave the following instruction to OG South:</p> <p>OG SOUTH: Carry out detailed and complete preparations and in coordinated action with TG (sic) NORTH take the hospital and the MUP and mop up the remaining Ustasha forces in the liberated parts of the town on the morning of 19 November 1991 (by 1000 hours). Continue to clear up Mitnica and downtown Vukovar until it is completely safe and secure to move round the town.</p> <p>This order was recorded in the operations diary of OG South and Mile Mrkšić, the commander of OG South was aware of it.</p>	Mrkšić TJ, para. 180	No specific objection	Judicially noticed. Additions in bold made for clarity.
159	<p>On 19 November 1991 the Vukovar hospital was full beyond its capacity. The [evidence about the] actual number of persons at the hospital between 18-20 November varied from several hundreds to several thousands [of people]. [...] Among them there were sick, wounded, hospital staff, as well as family members of hospital staff. [...] There were also members of the Croatian forces, both MUP and National Guard ("ZNG"), some of whom were not wounded but had taken refuge at the hospital. [...] In addition to the wounded, civilians, women and elderly, there were people carrying weapons who had taken shelter at the hospital and had started disguising themselves by putting on white coats and by pretending to be patients.</p>	Mrkšić TJ, paras 181, 190	The Defence objects to the second sentence. No purpose is served by taking judicial notice of the range of estimates concerning the numbers at the hospital. The highlighted fact is inherently vague, and not subject to judicial notice under Ground B (distinct, concrete, and identifiable).	Judicially noticed except for the struckthrough portion, which falls on Ground B (distinct, concrete, and identifiable) because it is a recitation of the evidence and not a finding of fact. Addition in bold made for clarity.
160	<p>Patients at the hospital and hospital staff saw JNA soldiers at the hospital in the afternoon and evening of 19 November 1991. [...] [A] JNA major (who appeared to be Major Borivoje Tešić) arriv[ed] at the hospital in an armoured military vehicle around noon on 19 November 1991. The major placed soldiers at the entrance of the hospital to monitor and restrict the entrance to and from the hospital.</p>	Mrkšić, para. 182	No specific objection	Denied on Ground B (distinct, concrete, and identifiable) because it is a recitation of the evidence and not a finding of fact.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
161	<p>On [19 November 1991], [...] Bogdan Kuzmić, who used to be a janitor at the hospital, wearing an olive drab JNA uniform, [was] walking around the hospital together with two young soldiers, also wearing uniforms, who had weapons. They were looking for specific Croatian individuals. In the afternoon of 19 November 1991, Saša Bojkovski, the commander of the 1st Company of the 1st Motorised Battalion of the Guards Motorised Brigade 1coy 1/gmtbr and also of an assault group within 1st Assault Detachment ("1 AD"), [was seen] outside the hospital, accompanied by two "Chetniks" and later the same day, [...] in the hospital kitchen talking to Bogdan Kuzmić.</p>	Mrkšić, para. 182	The Defence objects to "accompanied by two "Chetniks" in the last sentence. The term "Chetniks," whether appearing in quotation marks or not, is too vague to justify recognition through judicial notice. The fact is inadmissible on Ground B (distinct, concrete, and identifiable).	Denied on Ground B (distinct, concrete, and identifiable) because it is a recitation of the evidence and not a finding of fact.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
162	<p>In the early afternoon on 19 November 1991 the commander of 2nd Military Police Battalion of the Guards Motorised Brigade ("2 MP/gmtbr") Captain Paunović received an order relayed to him by the Operational Group ("OG") South's Chief of Staff, LtCol Panić, to go to the Vukovar hospital, which he did with two of his companies. He thought he arrived ... at about 1400 or 1500 hours almost simultaneously with Captain Milivoj Simić, the commander of 4coy 2MP/gmtbr. While there he saw Major Tešić, the commander of 1st Assault Detachment ("1 AD"). On [19 November 1991], [...] Bogdan Kuzmić, who used to be a janitor at the hospital, wearing an olive drab JNA uniform, [was] walking around the hospital together with two young soldiers, also wearing uniforms, who had weapons. They were looking for specific Croatian individuals.</p> <p>In the afternoon of 19 November 1991, Saša Bojkovski, the commander of the 1st Company of the 1st Motorised Battalion of the Guards Motorised Brigade ("1coy 1/gmtbr") and also of an assault group within 1st Assault Detachment ("1 AD"), [was seen] outside the hospital, accompanied by two "Chetniks" and later the same day, [...] in the hospital kitchen talking to Bogdan Kuzmić.) and 1st Motorised Battalion of the Guards Motorised Brigade ("1/gmtbr"), and Veselin Šljivančanin. Captain Paunović's 2 MP/gmtbr took over the security of the hospital from Major Tešić. The [JNA] military police searched the area around the hospital, then placed patrols and guards around the hospital and appointed a security commander [at the hospital].</p>	Mrkšić TJ, para. 183	No specific objection	Judicially noticed except for the struckthrough portion, which falls on Ground B (distinct, concrete, and identifiable) because it is a recitation of the evidence and not a finding of fact. Additions in bold made for clarity.
163	<p>In the evening hours on [19 November 1991] members of the [Operational Group ("OG") South] military police took Marin Vidić, <i>aka</i> Bili, the Croatian Commissioner for Vukovar who had been at the hospital, and the medical director Dr Vesna Bosanac, to Negoslavci. The military police remained on guard at the hospital during the night of 19/20 November 1991.</p>	Mrkšić TJ, para. 183	No specific objection	Judicially noticed. Addition in bold made for clarity.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
164	Miroslav Radić, the commander of a company within 1st Motorised Battalion of the Guards Motorised Brigade ("1/gmtbr") and also of an assault group part of 1st Assault Detachment ("1 AD"), [...] reached the hospital on 19 November 1991 around noon. [...] He had guards placed at the entrances of the hospital and then moved around the hospital before returning to his observation post before the arrival of Captain Paunović with military police of 2nd Military Police Battalion of the Guards Motorised Brigade ("2 MP/gmtbr"), who took over security of the hospital from Miroslav Radić's soldiers.	Mrkšić TJ, paras 330, 335	No specific objection	Judicially noticed. Additions in bold made for clarity.
165	[...] Serb TO members and paramilitary soldiers [were seen] around the hospital on 19 November 1991. [...] There were armed TO members from Vukovar and paramilitary soldiers outside the perimeter of the hospital and that they behaved aggressively.	Mrkšić TJ, para. 184	No specific objection	Denied on Ground B (distinct, concrete, and identifiable) because it is a recitation of the evidence and not a finding of fact.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
166	[...] Paramilitaries and TO members were present but generally were outside the hospital. JNA officers placed soldiers to guard the entrances and with a few exceptions these did not allow them to enter the hospital.	Mrkšić TJ, para. 187	No specific objection	Judicially noticed.
167	[...] When JNA soldiers left in the night of 19/20 November 1991, the reservists selected young men and took them away.	Mrkšić TJ, para. 185	The term “reservists” is exceptionally vague and does not assist this Trial Chamber in regard to the issues before it. The fact is inadmissible on Grounds B (distinct, concrete, and identifiable), D (unclear or misleading in the context of the moving party's motion), H (acts, conduct, and mental state of accused) and not appropriate for favourable exercise of Trial Chamber's discretion.	Denied on Ground B (distinct, concrete, and identifiable) because it is a recitation of the evidence and not a finding of fact.
168	[In the evening hours of 19 November 1991,] following the JNA capture of the Vukovar hospital, a large number of civilians who had sought refuge in the hospital, as well as some members of the Croatian forces, were transferred from the hospital to Velepromet, where men were separated from women, questioned and some were taken away.	Mrkšić TJ, para. 188	No specific objection	Judicially noticed.
169	[...] The evacuation of prisoners of war, other patients and others, from Vukovar hospital mainly occurred on 20 November 1991.	Mrkšić TJ, para. 189	No specific objection	Judicially noticed.
B. Preparation for the Evacuation of the Vukovar Hospital				
170	[On 19 November 1991,] at the regular OG South briefing held in the command post at Negoslavci at 1800 hours, the evacuation of the hospital was discussed. [...] Mile Mrkšić announced at the briefing that Veselin Šljivančanin had been entrusted with the task of preparing and conducting the evacuation. [...] Mile Mrkšić instructed Veselin Šljivančanin to ensure the transport of war crime suspects from the hospital to the prison in Sremska Mitrovica [...] By his reference to war crime suspects, Mile Mrkšić was referring to all members of the Croat forces at the hospital. [...] He had actually given the order to Veselin Šljivančanin orally earlier that day.	Mrkšić TJ, paras 191, 192, 295, 197	No specific objection	Judicially noticed.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
171	<p>[As a result of Mrkšić's order], Veselin Šljivančanin was given the responsibility for the complete evacuation of the hospital, involving the identification and separation of hundreds of people at the hospital into two categories, war crimes suspects and civilians. [A] large proportion of these people in both categories were wounded and seriously ill hospital patients who would require special transport facilities, care and attention. [H]e was to transport war crimes suspects, who would require security, especially as he was to ensure their delivery, to the prison in Serbia designated by Mile Mrkšić. [...] [C]ivilians going to Croatia had to be transported through areas in which armed hostilities continued.</p>	Mrkšić TJ, paras 191, 391	No specific objection	Judicially noticed. Additions in bold made for clarity.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
172	Veselin Šljivančanin was actively involved in preparations for the evacuation. On 19 November 1991, he visited Vukovar hospital and received from Vesna Bosanac a list of the people to be evacuated. In the evening of 19 November, Veselin Šljivančanin briefed the JNA counter-intelligence officers from the Federal Secretariat for National Defence and from 1st Military District ("1 MD") before their visit to Velepromet and, upon their return, received a report on the acts of mistreatment witnessed by Colonel Vujić.	Mrkšić TJ, para. 365	Šljivančanin falls within the Prosecution's definition of those allegedly subordinated to, or participating in a JCE, with Goran Hadžić. The proposed adjudicated fact, to the extent that it is probative of anything, pertains to the conduct and mental state of a person of authority who is alleged to be close to Goran Hadžić in respect of the perpetration of a crime. The content of this adjudicated fact "relate[s] to the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible," and it properly a matter for evidence in this case. Further, since Goran Hadžić is alleged in the pre-trial brief to be responsible through omission for all deprivations of human rights of all inhabitants of the RSK, this fact also arguably goes directly to his own "conduct." The fact is inadmissible on Grounds D (unclear and misleading in the context of the moving party's motion) and H (acts and conduct of the accused) and is not suitable for a favourable exercise of discretion for recognition as an adjudicated fact.	Judicially noticed. Addition in bold made for clarity.
173	[...] [A]t about 2000 hours on 19 November 1991 a group of senior officers from the Security Administration in Belgrade and the command of 1st Military District ("1 MD"), including in the Chamber's finding the Chief of Security Administration General Vasiljević and his deputy General Tumanov, visited the headquarters of Operational Group ("OG") South in Negoslavci and met with Mile Mrkšić and other senior officers.	Mrkšić TJ, para. 577	Two participants in this meeting are scheduled to appear as Prosecution witnesses in this case, attesting to the core importance of these facts to this trial. Judicial notice of this fact will not advance judicial economy. The content of this adjudicated fact "relate[s] to the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible," and is properly a matter for evidence in this case.	Judicially noticed, except for struckthrough portion.
174	[...] [I]n the evening of 19 November 1991, JNA officers, including Colonel Vujić, LtCol Panić and Captain Paunović, were informed, and seemed to believe, that the prisoners taken from Vukovar Hospital on 20 November 1991, would be transferred to Sremska Mitrovica. That appears to have been the destination given to Veselin Šljivančanin, who had been placed in charge of the selection, removal and transfer of the prisoners of war, on 19 November 1991 by Mile Mrkšić, sanctioned by General Vasiljević from the Security Administration in Belgrade, and communicated by Veselin Šljivančanin on the evening of 19 November 1991 to those who were to have a role in the removal of the Croatian prisoners of war from the hospital the following morning.	Mrkšić TJ, para. 583	At least one of the named officers is scheduled to appear as Prosecution witnesses in this case, attesting to the core importance of these facts to this trial. Judicial notice of this fact will not advance judicial economy. The content of this adjudicated fact "relate[s] to the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible," and is properly a matter for evidence in this case.	Judicially noticed except for the struckthrough portion, which falls on Ground B (distinct, concrete, and identifiable) as it is not a finding of fact.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
175	Veselin Šljivančanin planned the evacuation during the afternoon and evening of 19 November 1991, briefing his key officers on their responsibilities that evening. He personally oversaw the commencement of the evacuation first thing the next morning which involved JNA and some TO soldiers, in particular JNA military police from several units, and military transport of various types with distinct tasks and escorting vehicles.	Mrkšić TJ, para. 393	No specific objection	Judicially noticed.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
C. Events in the morning of 20 November 1991				
176	On [...] 20 November 1991, at 0600 hours, Mile Mrkšić issued a written order from the Operational Group ("OG") South command post in Negoslavci, to, among other things, <i>"simultaneously, evacuate and transport civilians, the wounded and sick from the hospital in Vukovar"</i> . The written order did not mention the movement of prisoners of war from Vukovar hospital. No subsequent written order was issued in this regard. [...] The written order did not truly reflect the full nature and extent of the responsibility which Mile Mrkšić conferred on Veselin Šljivančanin in particular the written order omitted reference to the Croat forces or war crime suspects. [...] It is apparent from the distinction between civilians and war crimes suspects made by Mile Mrkšić in his order, that all involved in the Croat forces were regarded as war crimes suspects, including those who were patients in the hospital.	Mrkšić TJ, para. 295	No specific objection	Judicially noticed. Addition in bold made for clarity.
177	[...] Civilians could be taken either to the Red Cross headquarters in Šid, or to a place at the Croatian border where they would be received.	Mrkšić TJ, para. 390	No specific objection	Judicially noticed.
178	[Veselin Šljivančanin] personally oversaw the commencement of the evacuation first thing on the morning of 20 November 1991 which involved JNA and some TO soldiers, in particular JNA military police from several units. [...] In the morning of 20 November 1991, shortly before 0600 hours, Veselin Šljivančanin set off for the Vukovar hospital [...] in one vehicle with Colonel Vujić and warrant officer Korica. [En route to the hospital], they talked about the evacuation. Veselin Šljivančanin stated that in the conversation they had on the way to the hospital he told Colonel Vujić that he believed it would be better to take crime suspects to the JNA barracks instead of Velepromet. They arrived at the hospital at about 0700 hours.	Mrkšić TJ, paras 365, 393, 395	No specific objection	Judicially noticed.
179	All non Serb males present in the hospital of military age were thought to be members of the Croat forces.	Mrkšić TJ, para. 295	No specific objection	Denied judicial notice on Ground D (unclear or misleading in the context of the motion).
180	[In the morning of 20 November 1991], the objective at the time was to remove from the hospital persons, including patients, thought to be involved in the Croat forces so they could be sent to the prison camp in Sremska Mitrovica by the JNA.	Mrkšić TJ, para. 657	The proposition does not appear to be supported by the paragraph of the <i>Mrkšić</i> Judgement cited, paragraph 657. The fact is inadmissible under Ground B (distinct, concrete, and identifiable), D (unclear or misleading in context of motion) and E (identified with adequate precision).	Denied judicial notice on Ground D (unclear or misleading in the context of the motion).

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
181	<p>Shortly after 0700 hours, the medical and nursing staff were told to gather in the plaster room for a meeting. The meeting was convened by Dr Vesna Bosanac who had been told to do so earlier that morning by Veselin Šljivančanin. There were some 30 to 50 hospital employees there. Veselin Šljivančanin and another person, who some witnesses believed was Dr Izvetić, a JNA medical officer, arrived. Šljivančanin addressed the staff. He told them that Dr Bosanac was no longer the director of the hospital, that the person with him was the new director, and that he and the new director would be in charge of issuing orders. At the meeting the staff were also told that they could decide whether they would like to continue working at the hospital or to leave. They were assured that those wishing to leave could choose to go to Croatia or Serbia.</p>	Mrkšić TJ, para. 200	<p>Šljivančanin falls within the Prosecution's definition of those allegedly subordinated to, or participating in a JCE, with Goran Hadžić. The proposed adjudicated fact pertains to the conduct and mental state of a person of authority who is alleged to be close to Goran Hadžić in respect of the perpetration of a crime. The content of this adjudicated fact "relate[s] to the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible," and it properly a matter for evidence in this case. Further, since Goran Hadžić is alleged in the pre-trial brief to be responsible through omission for all deprivations of human rights of all inhabitants of the RSK, this fact also arguably goes directly to his own "conduct." The fact is inadmissible on Grounds D (unclear or misleading in the context of the moving party's motion) and H (acts, conduct, and mental state of the accused) and is not suitable for a favourable exercise of discretion for recognition as an adjudicated fact.</p>	Judicially noticed except for the struckthrough portion, which falls on Ground B (distinct, concrete, and identifiable) because it is not a finding of fact.
182	<p>[...] Sometime between 0700 and 0800 hours on 20 November 1991, JNA soldiers [from the 2nd Military Police Battalion of the Guards Motorised Brigade] went through the hospital and told the patients and others who were able to walk to leave the hospital. At the exit of the hospital, JNA soldiers separated the men from women and children.</p>	Mrkšić TJ, para. 201	No specific objection	Judicially noticed.
183	<p>[On 20 November 1991], outside, as the men left the hospital they were lined up along the wall by the emergency entrance and searched by JNA soldiers, members of the 2nd Military Police Battalion of the Guards Motorised Brigade ("2 MP/gmtbr"). TO members and paramilitaries did not participate in the frisking. However, some TO members were involved in the triage.</p>	Mrkšić TJ, para. 203	No specific objection	Judicially noticed. Addition in bold made for clarity.
184	<p>[...] The women and children were told to go towards the main gate of the hospital on Lola Ribara Street, and the men were told to go towards the side or emergency entrance on Gundulićeva Street (currently Špadul).</p>	Mrkšić TJ, para.201	No specific objection	Judicially noticed.
185	<p>[On 20 November 1991,] while the men were boarding the buses, hospital employees whose husbands were taken away, tried to have their husbands released. [...] [A] JNA officer got on one or more of the buses and asked whether there were people who had hospital staff IDs or connections with hospital employees. Five or six men got off one of the buses. Outside the bus the men were asked to show their hospital IDs to a JNA major [who] whom the Chamber accepts was Veselin Šljivančanin. He sent all of them but one back to the hospital. The one was required to get back on the bus.</p>	Mrkšić TJ, para. 206	No specific objection	Judicially noticed except for the struckthrough portion. Addition in bold made for clarity.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
186	<p>[On 20 November 1991,] the men were ordered to get on [...] the five buses Major Vukašinović had brought from Negoslavci that morning. [The buses] were parked outside the hospital, on Gundulićeva Street. [...] The men taken to the buses had not been randomly selected. Almost all of the men were Croats. None of the men selected were Serbs. [...] The men, except the elderly, had been separated from women and children. [...] Women and children and elderly males were dealt with separately and eventually transported by the JNA to Serbia or Croatia. Some identified male patients who were apparently not able to make their way unassisted outside the hospital were taken out by the JNA, apparently because of their role in the Croat forces, and included with the main body of men. [...] The vast majority of them, if not all, had been involved in Croat military formations active in the fighting at Vukovar. [...] [A]t approximately 1000 hours the buses left the hospital. They set off in a convoy in the direction of the JNA barracks in Vukovar.</p>	Mrkšić TJ, paras 203, 205, 207, 208	No specific objection	Judicially noticed, except for the struckthrough portion, which falls on Ground B (distinct, concrete, and identifiable) as it is not a finding of fact. Additions in bold made for clarity.
187	<p>[...] [On 20 November 1991], the buses were held at the orders of Mile Mrkšić, at a time when Mrkšić was waiting to hear the outcome of a meeting of the so called government of SAO, which was to consider what should be done about the prisoners of war.</p>	Mrkšić TJ, para. 300	Proposed facts 187 to 193 concern matters that are “core” to the present case. Proposed facts 190, 191 and 193 even implicitly touch upon the conduct of the accused. None of them are proper for judicial notice, particularly given that the defendants in the <i>Mrkšić</i> case were motivated to shift responsibility away from themselves. Accepting these facts through judicial notice would gravely undermine the principle that an accused is presumed innocent until proven guilty, and the principle that the Prosecution bears the burden of proof. No notice should be taken of these matters because they are inadmissible under Ground H (acts, conduct, or mental state of accused) and are not suitable for a favourable exercise of discretion because: (a) go to the core of the Prosecution case (first discretionary factor); (b) are unduly broad, vague tendentious or conclusory (third discretionary factor), and (c) it is not even possible to discern whether the findings already encompass inferences about the conduct and mental state of the accused (fourth discretionary factor).	Judicially noticed except for the struckthrough portion, which falls on the fourth discretionary factor (may refer to acts, conduct, or mental state of the accused) as it is unclear whether reference to “SAO government” implicates the acts, conduct, or mental state of the accused.
188	<p>[On 20 November 1991,] the women and children, who, with some others, were being evacuated had to board different buses depending on whether they wanted to go to Croatia or to Serbia. There were five buses with about 250 people in all, mostly women and children but including doctors, nurses, their husbands, and children. The buses left the hospital at about 1400 or 1430 hours. [...] They drove to Sremska Mitrovica. They spent the night in the buses in Sremska Mitrovica where lists were made of the number of evacuees. On the following morning those travelling to Croatia left Sremska Mitrovica and on 22 November 1991 arrived in Zagreb, having driven through Bosnia to Croatia.</p>	Mrkšić TJ, para. 213	Continued from 187	Judicially noticed.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
189	[On 20 November 1991], at about 1000 hours, Veselin Šljivančanin left the hospital and went to one of the bridges on the Vuka River.	Mrkšić TJ, para. 366		Judicially noticed.
190	[...] During that morning, at around 1030 hours, Mile Mrkšić had a telephone conversation with LtCol Miodrag Panić, his Chief of Staff. Panić was then at the JNA barracks. During this telephone conversation, Mile Mrkšić instructed him to attend, on Mrkšić's behalf, what was described as "a cabinet session" of the SAO Government that was to take place at Velepromet that day.	Mrkšić TJ, para. 296		Judicially noticed except for the struckthrough portion, which falls on the fourth discretionary factor (may refer to acts, conduct, or mental state of the accused) as it is unclear whether reference to "cabinet sessions of the SAO government" implicates the acts, conduct, or mental state of the accused.
191	[...] LtCol Panić [...] [was] given instructions by Mile Mrkšić to indicate to the participants of the "government" meeting that Mile Mrkšić was prepared to accept and act in accordance with the decision of the "government" meeting as to what should be done with the prisoners of war from Vukovar hospital. Panić acted in accordance with this specific order of Mile Mrkšić; he attended the meeting and conveyed the decision of Mrkšić.	Mrkšić TJ, para. 296		Denied on the basis of the fourth discretionary factor (may refer to the acts, conduct, or mental state of the accused) as it is unclear whether reference to "government" meetings implicates the acts, conduct, or mental state of the accused.
192	During that same telephone conversation, LtCol Panić informed Mile Mrkšić that a bus with prisoners from Vukovar hospital was stationed in the barracks compound, and that members of the TO and other local men were trying to approach the bus in order to identify the men on the bus.	Mrkšić TJ, para. 297		Judicially noticed.
193	During the morning [of 20 November 1991], [...] Mile Mrkšić [said to Captain Šušić] "Now a meeting of the government of Krajina is underway at which [...] the question of where they will be transported will be decided."	Mrkšić TJ, para. 298		Denied on the basis of the fourth discretionary factor (acts, conduct, or mental state of the accused) as it unclear whether reference to the "government" implicates the acts, conduct, or mental state of the accused.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
194	[The] efforts [of the European Community Monitoring Mission ("ECMM") monitors] to reach the hospital before 20 November 1991 had been prevented by the JNA.	Mrkšić TJ, para. 209	No specific objection	Judicially noticed. Addition in bold made for clarity.
195	[...] Safety considerations were not the real reason for obstructing the passage of the [European Community Monitoring Mission ("ECMM")] monitors [on the morning of 20 November 1991].	Mrkšić TJ, para. 602	No specific objection	Judicially noticed. Addition in bold made for clarity.
196	[T]he purpose of the blocking of the passage of the international monitors on 20 November 1991 was to enable the JNA to select and remove from the hospital persons thought to be members of the Croat forces.	Mrkšić TJ, para. 604	No specific objection	Judicially noticed.
197	[On 20 November 1991, after he spoke to the monitors,] Veselin Šljivančanin returned to the hospital and was there when the monitors arrived [...] at 1030 hours. He was also there at some time before 1200 hours, although he did not remain there for the entire morning. [...] Veselin Šljivančanin went to the JNA barracks in Vukovar at some time around 1100-1130 hours on 20 November 1991 as he was in charge of the removal of crime suspects from the hospital and their transport to Sremska Mitrovica and went to check on the implementation of the process.	Mrkšić TJ, paras 366, 371, 372	The proposed fact does not accurately record the Trial Judgement. In addition, Šljivančanin falls within the Prosecution's definition of those allegedly subordinated to, or participating in a JCE, with Goran Hadžić. The proposed adjudicated fact pertains to the conduct and mental state of a person of authority who is alleged to be close to Goran Hadžić in respect of the perpetration of a crime. The content of this adjudicated fact "relate[s] to the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible," and it properly a matter for evidence in this case. Further, since Goran Hadžić is alleged in the pre-trial brief to be responsible through omission for all deprivations of human rights of all inhabitants of the RSK, this fact also arguably goes directly to his own "conduct." The fact is inadmissible on Grounds B (distinct, concrete, and identifiable), D (unclear or misleading in the context of the moving party's motion), and H (acts, conduct, or mental state of the accused).	Judicially noticed except for the struckthrough portions, which fall on Ground C (fact as formulated differs substantially from trial judgement).
198	The European Community Monitoring Mission ("ECMM") monitors and the International Committee for the Red Cross ("ICRC") representative were then allowed to proceed and arrived at the hospital at about 1030 hours on 20 November 1991. At the hospital they saw mainly women and children, there were almost no men. There were no recently wounded. [...] [T]he main body of women and children to be evacuated from the hospital were already at buses preparing to leave. [...] On their arrival at the hospital the ECMM monitors saw Serb paramilitaries walking freely at the hospital.	Mrkšić TJ, paras 210, 211, 212	The Defence objects to the last sentence. The phrase "Serb paramilitaries" is too vague to be of any assistance to this Trial Chamber in respect of the issues before it. The term is therefore too vague, broad, tendentious and conclusory to be noticed judicially (third discretionary factor).	Judicially noticed. Additions in bold made for clarity.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
199	<p>[On 20 November 1991, contrary to the Zagreb Agreement,] the European Community Monitoring Mission ("ECMM") monitors and the International Committee for the Red Cross ("ICRC") representative were deliberately delayed for false reasons by the JNA, with the direct participation of Veselin Šljivančanin, who coordinated the episode so that they did not arrive at Vukovar hospital until after the main group of the intended male evacuees had been driven from the hospital under JNA guard as prisoners of war. [...] [[The ICRC and the ECMM were prevented by Veselin Šljivančanin from carrying out their responsibilities under the Zagreb Agreement.</p>	Mrkšić TJ, para. 211	No specific objection	Judicially noticed except for the struckthrough portion, which falls on Ground C (fact as formulated differs substantially from trial judgement). Additions in bold made for clarity.
D. Events at the JNA Barracks in Vukovar				
200	<p>The buses carrying the main body of male evacuees from the hospital, the prisoners of war, arrived at the JNA barracks in Vukovar at around 1030 hours [on 20 November 1991]. [...] In the barracks compound there were some regular JNA soldiers and also what were described as reservists, that is TOs and paramilitaries. The JNA soldiers at the barracks were mostly members of the military police.</p>	Mrkšić TJ, para. 215	The Defence objects to the second sentence. The phrase, including the broad categories "TOs and paramilitaries" is too vague to be of any assistance to this Trial Chamber in respect of the issues before it. The phrase is too vague to be of any assistance to this Trial Chamber and too vague, broad, tendentious and conclusory to be noticed judicially (third discretionary factor).	Judicially noticed except for the struckthrough portion, which falls on the third discretionary factor (unduly broad, vague, tendentious, or conclusory).
201	<p>[At the JNA barracks, on 20 November 1991,] Serb TO members and paramilitaries milled around the buses [that had arrived from Vukovar hospital] and started to threaten and to verbally abuse the men on the buses.</p>	Mrkšić TJ, paras 216, 302	The proposed fact is vague in respect of the identity of the individuals who "milled around the buses." The defendants in <i>Mrkšić</i> had an interest to identify those individuals as non-JNA, and it is not clear to what extent this proposition was contested or, simply, tested by the Prosecution. The exact identity of these individuals is a question of importance in the present case, and given that all or many such individuals are alleged by the Prosecution in this case to have been subordinated to, in participating in a JCE with, Goran Hadžić, this fact goes to a core aspect of the Prosecution case (first discretionary factor) and is, in this case, unduly vague in relation to the issues in contest. Further, since Goran Hadžić is alleged to be responsible through omission for all deprivations of human rights of all inhabitants of the RSK, this fact also arguably goes directly to his own "conduct." The fact is inadmissible on Grounds B (distinct, concrete, and identifiable), D (unclear or misleading in the context of the moving party's motion), and H (acts, conduct, or mental state of the accused).	Denied judicial notice on the basis of the first discretionary factor (core issue).

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
202	<p>[...] This group [of Serb TO members], while some of them were still formally under the command of OG South, were also persons who saw the so called government of SAO as their "government", and it was the concern of these people that the prisoners of war were "their" prisoners, not JNA prisoners, and that it was for them or at least for their "government" to determine the fate of the prisoners.</p>	Mrkšić TJ, para. 301	<p>The proposed "fact" goes to the core of the Prosecution case against Mr. Hadžić and is strongly contested. The "fact" not only offers a conclusion about de facto and or de jure chain of command over these unidentified individuals, but also about their intentions. These individuals are alleged to have been subordinated to, or participating in a JCE, with Goran Hadžić. The proposed adjudicated fact pertains to the conduct and mental state of a person of authority who is alleged to be close to Goran Hadžić in respect of the perpetration of a crime and it is properly a matter for evidence in this case. Further, since Goran Hadžić is alleged in the pre-trial brief to be responsible through omission for all deprivations of human rights of all inhabitants of the RSK, this fact also arguably goes directly to his own "conduct." The fact is inadmissible on Grounds B (distinct, concrete, and identifiable), D (unclear or misleading in the context of the moving party's motion) and H (acts, conduct, or mental state of the accused) and is not suitable for a favourable exercise of discretion.</p>	<p>Denied judicial notice on the basis of the third discretionary factor (unduly broad, vague, tendentious, or conclusory).</p>
203	<p>[On 20 November 1991, at the JNA barracks,] a soldier in uniform got on the buses and took away three persons. One or two soldiers got on another bus and asked whether there were hospital employees. The people who were called off the buses, altogether about 12 to 15 of them, were taken to an empty military bus which had separately arrived at the JNA compound. On their way to the sixth bus and on the sixth bus these men were beaten with rifle-butts, punched and kicked [by Serb TOs and paramilitaries]. [...] [A] paramilitary hit Josip Zeljko with an iron bar, another man was severely beaten another had his head fractured. [...] There were no attempts by the JNA military police or officers present to stop the beatings.</p>	Mrkšić TJ, para. 217	<p>The last three sentences, including the broad categories "Serb TOs and paramilitaries" is too vague to be of any assistance to this Trial Chamber in respect of the issues before it. The term is too vague broad, tendentious and conclusory to be noticed judicially (third discretionary factor).</p>	<p>Judicially noticed.</p>

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
204	<p>[...] [On 20 November 1991,] Mirosljub Vujović, the commander of Petrova Gora TO who was, on that day, appointed commander of Vukovar TO, and Stanko Vujanović a TO commander in the area, arrived at the JNA barracks compound in Mirosljub Vujović's civilian vehicle. [...]</p> <p>[Vujović and Vujanović] had an argument with the JNA officers, following which they all went inside the barracks.</p>	Mrkšić TJ, paras 218 and 368	<p>The proposed "fact" goes to the core of the Prosecution case against Mr. Hadžić and is strongly contested. The "fact" not only offers a conclusion about de facto and or de jure chain of command over these unidentified individuals, but also about their intentions. These individuals are alleged to have been subordinated to, or participating in a JCE, with Goran Hadžić. The proposed adjudicated fact pertains to the conduct and mental state of a person of authority who is alleged to be close to Goran Hadžić in respect of the perpetration of a crime and is properly a matter for evidence in this case. Further, since Goran Hadžić is alleged in the pre-trial brief to be responsible through omission for all deprivations of human rights of all inhabitants of the RSK, this fact also arguably goes directly to his own "conduct." The fact is inadmissible on Grounds B (distinct, concrete, and identifiable), D (unclear or misleading in the context of the moving party's motion), and H (acts, conduct, or mental state of the accused).</p>	Judicially noticed.
205	<p>[...] Veselin Šljivančanin was present at the barracks at some time around 1100-1130 hours on 20 November 1991 [and stood] about 15 metres from the buses with the prisoners. [...]</p> <p>He also personally observed and was informed of the acts of mistreatment committed at the JNA barracks in the late morning of 20 November 1991.</p>	Mrkšić TJ, paras 219, 666	No specific objection	Judicially noticed.
206	<p>[...]. [Three] Došen brothers who had been very active in the Croatian independence struggle in Vukovar, despite the JNA military police guards on each bus, [...] were thrown out of one of the buses by [...] paramilitaries, at the JNA barracks, despite the presence of JNA military police and [two of the brothers] were severely beaten. [...] All three brothers were put in the minivan which was driven away [by the paramilitaries]. [...] No one of the three brothers has been seen again.</p>	Mrkšić TJ, para. 220	<p>The fact is based on testimony given by individuals who will appear on the Prosecution witness list, reflecting its core importance to the Prosecution case. The fact "relate[s] to the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible," and is properly a matter for evidence in this case.</p>	Judicially noticed.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
207	[On 20 November 1991,] [Major Vukašinić was also present at the JNA barracks.] [...] After his return to the hospital, Major Vukašinić reported to Veselin Šljivančanin about the conduct of the TOs at the barracks and said that further transports of prisoners to and from the barracks might be difficult in such conditions. [...] [Therefore,] Veselin Šljivančanin was aware that the TOs were capable of resorting to physical abuse. He could appreciate the severity of that abuse when men with visible signs of mistreatment returned from the barracks to the hospital.	Mrkšić TJ, paras 369, 374, 375	The fact “relate[s] to the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible,” and is properly a matter for evidence in this case. Furthermore, the findings are themselves based on testimony by witnesses about whom the <i>Mrkšić</i> Trial Chamber expressed considerable reservations, at paragraphs 15 and 16 of its Judgement. The fact is therefore inadmissible on Grounds B (distinct, concrete, and identifiable), D (unclear or misleading in the context in which it is placed in the moving party’s motion), and H (acts, conduct, or mental state of the accused), and otherwise concern core issues in this case that ought to be the object of evidence proof before this Trial Chamber.	Judicially noticed.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
E. Session of the SAO Government				
208	<p>On 20 November 1991, a meeting of the self-described "government of SAO" [...] Slavonia, Baranja and Western Srem was held at Velepromet. This "government" had been formed in September 1991 by a secret organisation calling itself the Serbian National Council of Slavonia, Baranja and Western Srem. The Council did not accept the separation of the region from the State of Yugoslavia. Among the participants at the session at Velepromet, there were members of this "government", including its prime minister, Goran Hadžić and Slavko Dokmanović, minister of agriculture and ousted mayor of Vukovar, as well as two senior officers of the JNA, Colonel Vujić, from the Security Administration were also present at the meeting. LtCol Panić, Chief of Staff of OG South and the gmtr, attended the meeting as the representative of Mile Mrkšić. Captain Jakšić of the Vukovar TO was present. Željko Raznjatović, aka Arkan, a renowned paramilitary leader whose troops had fought in Vukovar, was also present at the meeting.</p>	Mrkšić TJ, para. 225	Proposed facts 208 to 210 all concern the acts, conduct, and mental state of Goran Hadžić and are not appropriate for judicial notice. They concern core aspects of the Prosecution case against Mr. Hadžić, as well as "the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible." The proposed facts are manifestly inadmissible under Ground H (acts, conduct, or mental state of the accused) and would, in any event, not be a proper subject for the favourable exercise of the Trial Chamber's discretion in this case.	Denied judicial notice on Ground H (acts, conduct, or mental state of the accused).
209	<p>[...] The meeting of the "government" at Velepromet had concluded before 1200 hours, and in all probability started at about 1100 hours and concluded at about 1200 hours.</p>	Mrkšić TJ, paras 233, 585		Denied judicial notice on Ground H (acts, conduct, or mental state of the accused).
210	<p>[...] Mile Mrkšić authorised LtCol Panić, as his Chief of Staff, to attend the government meeting on his behalf and to indicate that the wishes of the government would be respected. [...] Mile Mrkšić had become well conscious that the local Serb TOs and the "government" of SAO Slavonia, Baranja and Western Srem took the view that the members of the Croat forces who surrendered or were captured should be dealt with as their prisoners, not prisoners of the JNA. This had been an issue between the local TOs, in particular, and the JNA in more than one incident following the surrender of the Croat forces at Mitnica on 18 November 1991, and at Velepromet and Ovečan on 19 November 1991, and became a significant issue dealt with at the meeting of the SAO "government" on 20 November 1991.</p>	Mrkšić TJ, para. 585		Denied judicial notice on Ground H (acts, conduct, or mental state of the accused).

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
F. Events at Ovčara on 20 November 1991				
211	<p>Between 1300 and 1400 hours [on 20 November 1991,] the five buses [with non-Serb men taken from Vukovar hospital] left the JNA barracks together [...] and took the road to Negoslavci. The two JNA military police guards who had been onboard each bus at the hospital remained onboard the buses throughout. Before reaching Negoslavci the buses turned left and continued to Ovčara. There they stopped in front of a hangar that was normally used as a warehouse for agricultural machinery and belonged to the Vupik pig farm.</p>	Mrkšić TJ, para. 222	<p>The time in the first part of the first sentence ("Between 1300 and 1400 hours") should not be judicially noticed, particularly since there is no identity of interest between the accused in the previous case and this case. The timing of events, as shall become clear throughout the case is vitally important. It relates to core aspects of the Prosecution case and relates to "the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible." The proposed facts are manifestly inadmissible under Ground H (acts, conduct, or mental state of the accused) and would, in any event, not be a proper subject for the favourable exercise of the Trial Chamber's discretion in this case. Given the "core" significance of this event, for which the Prosecution alleges that Goran Hadžić is directly responsible, the Chamber should exercise its discretion to decline to recognize this particular fact.</p>	<p>Judicially noticed except for the struckthrough portion, which falls on the first discretionary factor (core issue).</p>
212	<p>The buses arrived at Ovčara on 20 November 1991 between 1330 and 1430 hours. They were emptied one by one. The prisoners of war were released from each of the buses in groups of five to six and every second or third prisoner of war was questioned by the soldiers about their activities in Vukovar. The prisoners of war were then stripped of their personal valuables; their money and jewellery [were] taken away while their IDs and other personal belongings were thrown in a ditch.</p>	Mrkšić TJ, para. 234	<p>The time in the first sentence ("between 1330 and 1430 hours") should not be judicially noticed, particularly since there is no identity of interest between the accused in the previous case and this case. The timing of events, as shall become clear throughout the case is vitally important. It relates to core aspects of the Prosecution case and relates to "the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible." The proposed facts are manifestly inadmissible under Ground H (acts, conduct, or mental state of the accused) and would, in any event, not be a proper subject for the favourable exercise of the Trial Chamber's discretion in this case. Given the "core" significance of this event, for which the Prosecution alleges that Goran Hadžić is directly responsible, the Chamber should exercise its discretion to decline to recognize this particular fact.</p>	<p>Judicially noticed except for the struckthrough portion, which falls on the first discretionary factor (core issue).</p>
213	<p>[...] There was a large group of TOs and paramilitaries including volunteers, some of whom were armed outside the hangar with heightened emotions, seeking to gain access to the "enemy" prisoners.</p>	Mrkšić TJ, para. 309	<p>The portion "TOs and paramilitaries including volunteers" of the proposed fact is both vague and extracted from its context, in that there is a significant presence of JNA soldiers as well. The fact is inadmissible under Ground D (unclear or misleading in the context of the moving party's motion) and should also be denied notice for the same reasons set out in respect of proposed facts 211 and 212.</p>	<p>Denied judicial notice on Ground D (unclear or misleading in the context of the motion).</p>

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
214	[The prisoners of war] had to pass between two rows of soldiers, about 10 to 15 on each side, who were beating them severely as they passed through. The soldiers beat the prisoners of war using wooden sticks, rifle-butts, poles, chains and even crutches. [...] Serb paramilitaries and TO members [also] participated in the gauntlet. They were also kicking and punching the prisoners of war. The gauntlet was about eight to 10 metres long. [...] Some regular JNA soldiers in uniform may also have participated in the gauntlet. [...] All five buses were progressively unloaded and after searching and the gauntlet the prisoners were held in the hangar. The five empty buses left together.	Mrkšić TJ, paras 234, 235, 260	No specific objection	Judicially noticed.
215	[...] To the left of the gauntlet, [were] officers of the Guards Motorised Brigade ("gmtbr") and military policemen of the gmtbr. To the right, away from this group of gmtbr personnel, were standing LtCol Vojnović and LtCol Panić.	Mrkšić TJ, para. 254	No specific objection	Judicially noticed. Addition in bold made for clarity.
216	Major Vukašinić, Veselin Šljivančanin's deputy in the security organ of OG South, was also at Ovčara at about the time of the prisoners' arrival.	Mrkšić TJ, para. 255	No specific objection	Judicially noticed.
217	[...] Mirosljub Vujović, the commander of Vukovar TO, was in front of the hangar [at Ovčara].	Mrkšić TJ, para. 255	No specific objection	Judicially noticed.
218	[Veselin Šljivančanin] was at Ovčara at about 1430 or 1500 hours [...] at the time when prisoners of war were seriously mistreated by TOs and volunteers and must have witnessed the mistreatment. [...] During [his] visit at Ovčara crimes of torture and cruel treatment were being committed.	Mrkšić TJ, paras 383, 666, 672	The time "at about 1430 or 1500 hours" should not be judicially noticed, particularly since there is no identity of interest between the accused in the previous case and this case. The timing of events, as shall become clear throughout the case is vitally important. It relates to core aspects of the Prosecution case and relates to "the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible." The proposed facts are manifestly inadmissible under Ground H (acts, conduct, or mental state of the accused) and would, in any event, not be a proper subject for the favourable exercise of the Trial Chamber's discretion in this case. Given the "core" significance of this event, for which the Prosecution alleges that Goran Hadžić is directly responsible, the Chamber should exercise its discretion to decline to recognize this particular fact.	Judicially noticed except for the struckthrough portion, which falls on Grounds C (differs in substantial way from formulation in original judgement) and F (characterisations of an essentially legal nature).
219	[Veselin Šljivančanin left Ovčara] and after his arrival at Negoslavci, [and later in the evening of 20 November 1991], he received a report on the events at Ovčara from his deputy Major Vukašinić.	Mrkšić TJ, para. 388	Šljivančanin's whereabouts and the extent of his knowledge and effective control are matters of core significance to the present case. These facts relate directly to "the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible." <i>Stanišić and Župljanin</i> Adjudicated Facts Decision, para. 46.	Judicially noticed.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
220	At the hangar there were also 15-20 JNA soldiers who were securing the area [...] these were military police of the JNA 80 motorised brigade ("mtbr").	Mrkšić TJ, para. 235	These crimes are alleged to have been committed by subordinates of, or participants in a JCE with, Goran Hadzic. These facts relate directly to "the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible." <i>Stanišić and Zuljpanin</i> Adjudicated Facts Decision, para. 4	Judicially noticed. Addition in bold made for clarity.
221	Inside the hangar the beatings continued. The atmosphere was miserable. There were about 200 people from the buses and at least 40 Serb soldiers including paramilitaries, TO members and JNA soldiers. The prisoners of war had to lean against the wall with their arms up and their legs spread. Some were hit with iron rods and rifle-butts and kicked. Siniša Glavašević, a Radio Vukovar journalist, was severely beaten with rifle-butts, iron bars, rods, chains and police truncheons by several soldiers. Damjan Samardžić was punched, he fell to the ground and was beaten by five or six soldiers. He was beaten so badly that after two hours he still could not move. Kemal (Ćeman) Saiti was also beaten particularly badly. A paramilitary soldier grabbed him by the hair and banged his head several times against the concrete floor. No one attempted to stop the beatings.	Mrkšić TJ, para. 237		Judicially noticed except for the struckthrough portion, which falls on the third discretionary factor (unduly broad, vague, tendentious, or conclusory).
222	[At the hangar,] [t]he soldiers beating the prisoners were, at least in the main, paramilitary soldiers. [...] [A soldier, who was either JNA or TO] blew a whistle at intervals at which sound the soldiers who were doing the beatings left and other soldiers came in to the hangar to continue the beatings.	Mrkšić TJ, para. 238		Judicially noticed.
223	At a time estimated as between 1400 and 1500 hours, A soldier approached a worker at the Vupik pig farm and told him to bring an excavating machine. The soldier was wearing a JNA uniform, had an officer's belt and a pistol but a regular cap. He had a clean appearance and was clean-shaven. They drove to the end of the woods. To the right there was an old hole and the soldier asked the worker to dig there. The worker dug until the soldier told him: "Enough".	Mrkšić TJ, para. 240	The time "as between 1400 and 1500 hours" should not be judicially noticed, particularly since there is no identity of interest between the accused in the previous case and this case. The timing of events, as shall become clear throughout the case is vitally important. It relates to core aspects of the Prosecution case and relates to "the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible." The proposed facts are manifestly inadmissible under Ground H (acts, conduct, or mental state of the accused) and would, in any event, not be a proper subject for the favourable exercise of the Trial Chamber's discretion in this case. Given the "core" significance of this event, for which the Prosecution alleges that Goran Hadžić is directly responsible, the Chamber should exercise its discretion to decline to recognize this particular fact.	Judicially noticed except for the struckthrough portion, which falls on the first discretionary factor (core issue). Change in bold made for clarity.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
224	[T]he excavated hole was [...] some nine or 10 metres in length, with a depth of one and a half to two metres. [...] [T]he location of the hole dug by the worker, in the presence of the soldier, coincides exactly with the location of the mass grave located and identified [at Ovčara]. [...] [T]his hole was used that evening as a mass grave.	Mrkšić TJ, para. 241	The fact, and the description contained therein, may potentially be relevant to the credibility of witness testimony. Noting the fact judicially would create an inappropriate presumption of credibility. Given the close relationship of this event, to “the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible,” the Chamber should decline to exercise its discretion in favour of notice. <i>Stanišić and Župljanin</i> Adjudicated Facts Decision, para. 46.	Denied judicial notice on the basis of the first discretionary factor (core issue).
225	[S]erb TO members and volunteers or paramilitaries, including Mirosljub Vujović and soldiers under his command, were at the hangar at Ovčara in the afternoon on 20 November 1991. Apart from Vujović who probably arrived later, they were there as the buses with prisoners of war from Vukovar hospital arrived and remained there until late that evening. They participated in the ill treatment of prisoners of war in front of and inside the hangar that afternoon.	Mrkšić TJ, para. 270	Adjudicated facts 225 to 235 all raise matters of “core” significance to the Prosecution case against Mr. Hadžić. The exact identity of the perpetrators, who was in control at the time, the identity of who was in command, the timing of the presence of various TO elements and the timing of the departure of JNA elements from Ovčara are all highly significant issues in the present case. These facts relate, according to the Prosecution case, to “the acts and conduct of persons for whose criminal conduct the Accused is allegedly responsible.” <i>Stanišić and Župljanin</i> Adjudicated Facts Decision, para. 46.	Denied judicial notice on the basis of the first discretionary factor (core issue).
226	[T]he prisoners [at Ovčara on 20 November 1991] were murdered by TOs with some paramilitary support, although it is the case that one or more JNA soldiers may have been directly involved on their own individual volition.	Mrkšić TJ, para. 608		Denied judicial notice on the basis of the first discretionary factor (core issue) and Ground F (characterisation of an essentially legal nature).
227	LtCol Miodrag Panić, Operational Group (“OG”) South’s Chief of Staff and Mrkšić’s deputy, was at Ovčara on 20 November 1991 [...] but he did not enter the hangar. [...] LtCol Miodrag Panić was informed by LtCol Vojnović, that the prisoners from the buses had gone through a gauntlet. [...] Both Major Vukašnović and LtCol Vojnović remained at Ovčara when Panić left for Negoslavci.	Mrkšić TJ, paras 258, 260, 261		Judicially noticed. Addition in bold made for clarity.
228	There were [...] armed TOs and paramilitaries, probably about 300, at Ovčara.	Mrkšić TJ, para. 273		Judicially noticed.
229	[...] [F]ollowing his return to Negoslavci from Ovčara, Lt Col Vojnović reported to Mile Mrkšić twice about the situation at Ovčara, first at the regular Operational Group (“OG”) South briefing which started at 1800 hours, and then later in a meeting with Mile Mrkšić and Captain Vukosavljević, at which a similar report was also made by Captain Vukosavljević. [...] Mrkšić responded by saying “Well, just leave it. Don’t bother me with that kind of thing”.	Mrkšić TJ, paras 275, 322		Judicially noticed except for the struckthrough portion, which falls on Ground B (distinct, concrete, and identifiable) because it is not clear that this is a finding of fact. Addition in bold made for clarity.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
230	[...] Captain Karanfilov arrived at Ovčara before Captain Vukosavljević, and conveyed to Captain Vezmarović Vukosavljević , the order to withdraw the military police unit of 80 Motorised Brigade ("mtbr"). Mile Mrkšić was aware that this order had been sent this way and was surprised to hear afterwards from LtCol Vojnović, that the unit was still at Ovčara. Mrkšić expressed his dissatisfaction in a way that made Vojnović realise that he should withdraw the military police. This he did and Captain Vukosavljević was sent to Ovčara to convey again the order to the military police troops of the 80 mtbr to withdraw.	Mrkšić TJ, paras 284, 285	Continued from 225	Judicially noticed except for the struckthrough portion, which falls on Ground C (differs in substantial way from formulation in original judgement). Additions in bold made for clarity.
231	The prisoners were in the physical custody of the JNA at Ovčara. [...] The order to withdraw the last remaining JNA troops, securing the prisoners of war, the military police of the 80 Motorised Brigade ("mtbr"), from Ovčara was made by Mile Mrkšić in the early evening of 20 November 1991, shortly before or after the regular Operational Group ("OG") South briefing.	Mrkšić TJ, paras 285, 293		Judicially noticed. Additions in bold made for clarity.
232	The operational diary of the 80 motorised brigade ("mtbr") contains entries indicating that the security for the prisoners of war was withdrawn from Ovčara at 2235 hours on 20 November 1991. The effect of this was that the duty to provide security for the prisoners of war was taken over by the Vukovar TOs. [...] [T]he withdrawal of the remaining military police troops and officers of 80 mtbr from Ovčara was effected by 2100 hours.	Mrkšić TJ, para. 286		Judicially noticed. Addition in bold made for clarity.
233	The military police with officers of the 80 motorised brigade ("mtbr") withdrew from Ovčara at no later than 2100 hours on 20 November 1991. Before that hour, TO members from Vukovar, including Mirosljub Vojnović, Vukovar TO commander and Serb volunteers from Vukovar and other areas had gathered at Ovčara. Following the withdrawal of the 80 mtbr, they murdered at least 200 prisoners of war who had been taken from the Vukovar hospital [...] [and] Mirosljub Vojnović exercised authority in respect of these events.	Mrkšić TJ, para. 294		Judicially noticed except for struckthrough portion, which falls on Ground F (characterisation of an essentially legal nature). Additions in bold made for clarity.
234	[The JNA's departure] left the prisoners of war in the sole physical custody of the TO and paramilitary forces which of their own volition had gathered at Ovčara because of the presence there of prisoners of war. [...] [T]he withdrawal from Ovčara of the only remaining JNA soldiers guarding the prisoners of war had an immediate and direct effect on the commission of the murders that followed.	Mrkšić TJ, paras 613, 620		Denied judicial notice on the basis of the first discretionary factor (core issue).

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
235	<p>[...] Mile Mrkšić knew that the beatings of the prisoners at Ovčara on 20 November 1991 were being committed by members of the TO and paramilitary forces who had gathered at Ovčara, they being forces under his command in the composition of Operational Group ("OGB") South. [...] Mile Mrkšić also knew that the primary motivation of the TO and paramilitary forces was to punish members of the Croat forces, who had been their enemies in the conflict, for the deaths and suffering they perceived to have been caused by Croat forces. It was the strength of this desire to punish, in a real sense, for revenge, which had so constantly motivated the TOs and paramilitaries to gain access to members of the Croat forces held by the JNA as prisoners of war and which had led to the ferocity and savagery of many of the beatings.</p>	Mrkšić TJ, paras 631, 647		Judicially noticed except for the struckthrough portion, which falls on the third discretionary factor (unduly broad, vague, tendentious, or conclusory). Addition in bold made for clarity.
236	<p>On 20 November 1991 after the fall of Vukovar, Miroljub Vujović was appointed commander of all Vukovar TO by Mile Mrkšić. By contrast, Miroljub Vujović was not able to plan combat operations, yet he commanded the main TO element of 3 AG.</p>	Mrkšić TJ, paras 647, 92	No specific objection	Judicially noticed except for the struckthrough portion, which falls on Ground D (unclear or misleading in the context of the motion).
VI. Adjudicated facts for events in the SAO Krajina in 1992				
237	<p>On 16 February 1992, the government fell as Milan Babić was removed from the office of President of the RSK by the RSK Assembly due to his opposition to Slobodan Milošević in respect of the Vance Plan. Milan Martić, who had previously opposed the Vance Plan, now publicly supported the adoption of the Vance Plan. After Milan Babić was removed from office, the Vance plan was adopted by the Assembly of the RSK.</p>	Martić TJ, para. 149	No specific objection	Judicially noticed.
238	<p>The Vance Plan defined three UNPAs [United Nations Protected Areas], which covered four sectors: UNPA Krajina, covering Sector South (Lika and Dalmatia) and Sector North (Banija and Kordun), UNPA Western Slavonia, covering Sector West, and UNPA Eastern Slavonia, covering Sector East. [T]he plan foresaw maintaining the local police who could carry weapons and wear uniforms. The weapons were to be placed under a double key system: one key for UNPROFOR and one key for the RSK authorities. UN police monitors, UNCIVPOL, were to ensure that the local police carried out their duties without discriminating or violating human rights. UNCIVPOL reported any incidents both within its own chain of command, as well as to the relevant Croatian or RSK local police, however in serious cases reports were also sent directly to the relevant government.</p>	Martić TJ, para. 150, fn. 332	Judicially noticing comments by another Trial Chamber about a document are less appropriate than the admission of the document – in this case, the Vance Plan. Judicial notice in this case circumvents the regular method of proving the content of the agreement and is the second-best method of proof. The fact is inadmissible pursuant to Ground B (distinct, concrete, and identifiable).	Denied judicial notice on the basis of the fourth discretionary factor (may refer to the acts, conduct, or mental state of the accused) as reference to "government" may implicate the accused.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
239	In April 1992, UNPROFOR troops started arriving in the UNPAs. In addition, UNPROFOR was also mandated to patrol the so-called “pink zones” outside the UNPAs, which were areas under JNA control, in many instances with a significant Serb presence.	Martić TJ, para. 151		Judicially noticed except for the struckthrough portion.
240	The evidence shows that the RSK was not demilitarised in its entirety in accordance with the Vance Plan. On 28 April 1992, Special Police (“PJM”) Brigades and a PJM Administration were established within the RSK Ministry of Defence by the SFRY Federal Secretariat of National Defence of the JNA (“SSNO”) of Serbia. General Borislav Đukić, a JNA officer, was appointed Chief of the PJM Administration. The PJM Brigades were connected both to the Ministry of Defence and to the MUP of the RSK. The members of PJM units wore blue uniforms and used the side arms and the equipment of the TO. There is also evidence that TO vehicles were repainted in blue and used by the PJM.	Martić TJ, para. 152	The Defence objects to the third sentence. It is objectionable as vague in relation to the core issue in the present case. Judicial notice would not assist this Chamber in its truth-finding function. The assertion is inadmissible under Grounds B (distinct, concrete, and identifiable) and D (unclear or misleading in the context of the moving party's motion), and is unduly broad, vague, tendentious, and conclusory (third discretionary factor).	Judicially noticed except for the struckthrough portions, which fall on the third discretionary factor (unduly, broad, vague, tendentious, or conclusory) and Ground B (distinct, concrete, and identifiable). Addition in bold made for clarity.
241	The RSK leadership was against the demilitarisation of the RSK, asserting it would be unable to defend itself in the event of Croatian attacks. Thus, the Vance Plan was interpreted by the RSK authorities to mean that UNPROFOR was to protect the population in the areas of deployment.	Martić TJ, para. 153	The reference to “RSK leadership” is vague in relation to the core issues in this case and implicitly or potentially relates to the “acts, conduct or mental state of the accused.” The proposed fact is therefore inadmissible on the basis of Grounds B (distinct, concrete, and identifiable), D (unclear or misleading in the context of the moving party's motion) and H (acts, conduct, or mental state of the accused), and given its core significance in this case, should not be recognized.	Denied judicial notice on Ground H (acts, conduct, or mental state of the accused).
242	During the spring of 1992, the road which went through the so-called Posavina Corridor, a predominantly Bosnian Croat strip of land in north-eastern BiH, had been blocked in the region of Doboje by Croatian forces in alliance with the forces of BiH. The area was of strategic importance as it linked the Croatian and Bosnian Krajina regions with Serbia. In two phases, during the summer and late autumn of 1992, a military operation known as “ <i>Koridor 92</i> ” was carried out in the Posavina Corridor. While there is evidence that the objective of the operation was to resolve a humanitarian situation which had arisen as a result of the blocking of the road near Doboje, there is significant evidence that the main objective was to link Serb lands. As part of the operation, the whole of the Posavina area was devastated; many houses were torched and many civilians, including Croats, were killed.	Martić TJ, para. 154	Facts 242 and 243 are irrelevant as they concern conduct falling outside of the scope of the Indictment. These facts are therefore inadmissible under Ground A (relevance).	Judicially noticed except for the struckthrough portion, which falls on Ground B (distinct, concrete, and identifiable) because it is not a finding of fact.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
243	[Regarding operation <i>Koridor 92</i>], [b]oth phases of the operation included units of the RSK police, Special Police Brigade ("PJM") and TO, and the operation was led by the VRS and RS police. Milan Martić visited the Posavina Corridor on several occasions during the first phase of the operation in June and July 1992. During the second phase of Operation Corridor, two RSK PJM brigades participated. Milan Martić and Borislav Đukić commanded a "strong" RSK police detachment during this phase of operation <i>Koridor 92</i> .	Martić TJ, para. 160		Judicially noticed. Addition in bold made for clarity.
244	[From 1992 to 1994, financial, logistical and military] support was given [by Serbia] to the RSK MUP and to the TO and the Army of the Republic of Serbian Krajina ("SVK"). In January 1992, Milan Martić stated that cooperation with Serbia never ceased and was good. There is evidence describing the relationship between the RSK and Serbia as one "between two states" although the RSK listened to "the opinions of our ally." There was a representation office in Belgrade of the RSK Foreign Minister's office.	Martić TJ, para. 159	No specific objection	Judicially noticed except for the struckthrough portion, which falls on Ground B (distinct, concrete, and identifiable) because it is not a finding of fact.
245	The support from Serbia to the Army of the Republic of Serbian Krajina ("SVK") covered all aspects of its functioning, including personnel, operational and logistical support.	Martić TJ, fn. 371	No specific objection	Judicially noticed. Addition in bold made for clarity.
246	[I]n the period between 1992 and 1993 the RSK police directed the Croat population towards Croat settlements near Knin, such as Vrpolje and Kninsko Polje. In Vrpolje, which was five kilometres north of Knin, a cultural centre was used as a gathering point for Croats, who had requested authorisation to leave the RSK. The Knin police secured the area at the cultural centre. The conditions there were poor and the Croats were not free to leave but had to wait for an agreement to be reached between the RSK Government, international organisations and the Croatian authorities before they could be transferred. The police from Knin organised and escorted bus convoys from Vrpolje to Šibenik and across Lika to Karlobag.	Martić TJ, para. 297	No specific objection	Judicially noticed.
247	A decision on the conditions upon which Croats and other nationalities could return to the RSK was adopted by the RSK government on 21 April 1992. However, in September 1992, UNPROFOR reported that "it might be unrealistic to carry out any return [of displaced persons] in the forthcoming future" due to the likelihood of hostile acts being carried out against returning Croats.	Martić TJ, para. 298	No specific objection	Judicially noticed.

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
248	[S]imilar displacement of the Croat population as a result of harassment and intimidation occurred elsewhere in the SAO Krajina, and subsequently RSK, territory and continued until the end of 1994. [H]arassment and intimidation of the Croat population was carried out on a large scale by the police and by local Serbs in the territory. On 14 June 1993, Milan Martić met with Cedric Thornberry, the UNPROFOR Director of Civil Affairs, concerning, <i>inter alia</i> , the issue of Croats who wanted to leave the RSK. During the meeting, Milan Martić requested that Croats who wished to leave the RSK sign statements that no one had put pressure on them to leave and that these statements bear the signature of either Cedric Thornberry or another United Nations representative. Cedric Thornberry agreed to these requests.	Martić TJ, para. 299	No specific objection	Judicially noticed.
249	The RSK authorities cooperated with the authorities in Bosanski Novi, BiH, regarding the displacement of the non-Serb population from that municipality. [T]he RSK MUP was to be involved in providing security for an organised "safe departure" of Muslims and other non-Serbs in the direction of Croatia, Slovenia, Austria, and Germany in July 1992.	Martić TJ, para. 300	These facts are irrelevant as they concern conduct falling outside of the scope of the Indictment. These facts are therefore inadmissible under Ground A (relevance).	Denied judicial notice on the fourth discretionary factor (may refer to the acts, conduct, or mental state of the accused) because "RSK authorities" could include Hadžić.
250	[In 1991 in SAO Krajina] Croats were arbitrarily dismissed from their jobs.	Martić TJ, para. 324	This vague assertion is conclusory, unduly broad, vague and tendentious. The fact is inadmissible on Ground B (distinct, concrete, and identifiable) and not worthy of exercise of discretion.	Denied judicial notice on Ground F (characterisation of an essentially legal nature).
251	Following the fall of Slunj in November 1991, Marinko Mudrić reported seeing many burned houses, particularly in Rakovica and Slunj, including a department store, restaurants, an SJB and a hotel, as well as many private houses. He saw "uniformed men and members of the Krajina police in Slunj" as well as "Peić and [Željko 'Buba' Mudrić]" stealing cars. Police as well as Serb civilians were engaged in looting in the villages of Rakovica, Slunj, Saborsko and Poljanak. Attacks on Modruški Sabljaki and Medvedi and Plivelići were led by "Pejić and [Željko 'Buba' Mudrić], accompanied by some 30 of Martić's men", who stole tractors and plundered houses before setting them on fire. On 21 November 1991, in Dabar a uniformed group led by Predrag Baklajić killed Stipe Brajković, raided Croat houses and stole property.	Martić TJ, para. 326	The acts offer legal conclusions concerning the crimes of plunder and wanton destruction in respect of individuals with whom the Prosecution alleges that Goran Hadžić was participating in a joint criminal enterprise at the time, and for whose criminal conduct he is responsible.	Denied judicial notice on Ground F (characterisation of an essentially legal nature).

Adj. fact number	Proposed Fact	Reference	Defence Objection	Decision
252	During 1992 on the territory of the RSK, there was a continuation of incidents of killings, harassment, robbery, beatings, burning of houses, theft, and destruction of churches carried out against the non-Serb population.	Martić TJ, para. 327	This vague assertion is conclusory, unduly broad, vague and tendentious and serves no useful purpose in the present proceedings. Further, since Goran Hadžić is alleged in the pre-trial brief to be responsible through omission for all deprivations of human rights of all inhabitants of the RSK, this fact also arguably goes directly to his own "conduct." The fact is inadmissible on Grounds B (distinct, concrete, and identifiable) and H (acts, conduct, or mental state of the accused) and not worthy of exercise of discretion.	Judicially noticed.
253	Throughout 1993, there were further reports of killings, intimidation, and theft. By 1995, several Croat villages had been attacked and destroyed, including Rakovica, Poljanak, Kuselj, Saborsko, Korana, Rastovaca, Celiste, Smoljanac, Dreznik, Rakovae, Lipovaca, Vaganac, Hrvatska Dubica and Medvida.	Martić TJ, para. 328	This vague assertion is conclusory, unduly broad, vague, and tendentious and serves no useful purpose in the present proceedings. Further, since Goran Hadžić is alleged in the pre-trial brief to be responsible through omission for all deprivations of human rights of all inhabitants of the RSK, this fact also arguably goes directly to his own "conduct." The fact is inadmissible on Grounds B (distinct, concrete, and identifiable) and H (acts, conduct, or mental state of the accused) and not worthy of exercise of discretion.	Denied judicial notice on Ground A (relevance) as the fact deals with events outside the indictment period of the present proceedings and the third discretionary factor (unduly broad, vague, tendentious, or conclusory).
254	Acts of violence and intimidation against the Croat and other non-Serb population, including killings, beatings, robbery, theft, harassment and destruction of houses and Catholic churches, were prevalent in the RSK during the period between 1992 and 1995, and resulted in an exodus of the Croat and other non-Serb population from the territory of the RSK.	Martić TJ, para. 351	This vague assertion is conclusory, unduly broad, vague, and tendentious and serves no useful purpose in the present proceedings. Further, since Goran Hadžić is alleged in the pre-trial brief to be responsible through omission for all deprivations of human rights of all inhabitants of the RSK, this fact also arguably goes directly to his own "conduct." The fact is inadmissible on Grounds B (distinct, concrete, and identifiable) and H (acts, conduct, or mental state of the accused) and not worthy of exercise of discretion.	Denied judicial notice on Ground A (relevance) as the fact deals with events outside the indictment period of the present proceedings, Ground F (characterisation of an essentially legal nature), and the third discretionary factor (unduly broad, vague, tendentious, or conclusory).

Annex B: Decisions on Judicial Notice of Authenticity of Documents

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
1	Martić Trial, Exh.137	65ter#00038	17/02/1990	Pamphlet of Srpska demokratska stranka / Serbian Democratic Party containing its platform, as well as its Statute, issued in Knin on 17 February 1990	Political background	2	Not disturbed on appeal	Already admitted
2	Mrkšić Trial, Exh.77	65ter#00040	14/05/1990	Order Issued by Col. Blagoje Adzic to take over Territorial Defence Weapons and store them into JNA, dated 14 May 1990	Military background	11(a)	Not disturbed on appeal	Granted
3	Mrkšić Trial, Exh.78	65ter#00041	21/05/1990	Document from Split Territorial Defence HQ report on relocating Weapons and Ammunition, No 365/3, dated 21 May 1990	Military background	11(a), 11(b)	Not disturbed on appeal	Granted
4	Martić Trial, Exh.139	65ter#00044	06/06/1990	Stamped document regarding conclusion of Knin Municipal Assembly to launch initiative establishing Community of Municipalities of Northern Dalmatia and Lika, signed by Milan BABIC on 6 June 1990	Political background; establishment of Croatian Serb institutions	2, 10	Not disturbed on appeal	Already admitted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
5	Martić Trial, Exh.141	65ter#00049	25/07/1990	Declaration of 25 July 1990 on Sovereignty and Autonomy of the Serb People in Croatia	Political background; establishment of Croatian Serb institutions	2, 3, 6	Not disturbed on appeal	Already admitted
6	Martić Trial, Exh.142	65ter#00059	30/09/1990	Report on the Referendum of the Serb People in the Republic of Croatia on Serbian Autonomy by the Central Commission for Referendum, dated 30 September 1990	Political background; establishment of Croatian Serb institutions	6	Not disturbed on appeal	Already admitted
7	Mrkšić Trial, Exh.659	65ter#00083	13/06/1905	Report to Territorial Defence Staff Okucani from Ljubisa Petkovic, War Staff of the Srpska Radikalna Stranka, re: the situation on the front on 11-12 December 1991, dated from 1991	Relationship between JCE institutions; arming of Serb forces in Croatia	11(b)	Not disturbed on appeal	Denied
8	Mrkšić Trial, Exh.596	65ter#00087	28-Aug-1991 to 11-Nov-1991	Faxes and e-mails held by the Vukovar police administration and Vukovar Hospital detailing patients of Vukovar Hospital in 1991, collected by the Division of Information and Research of the Ministry of Health of Croatia in 1991	Status of victims; widespread and systematic; armed conflict	30-33	Not disturbed on appeal	Granted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
9	Martić Trial, Exh.33	65ter#00090	04/01/1991	Decision of 4 January 1991 on the Appointment of Milan Martić as Secretary for Internal Affairs of the SAO Krajina	JCE institutions	10	Not disturbed on appeal	Already admitted
10	Martić Trial, Exh.105	65ter#00108	03/03/1991	Letter addressed to the Presidency of the SFRY from Milan Martić, dated 3 March 1991	Political background: Martić sends a report as Secretary of SUP (SAO Krajina) to the SFRY Presidency and the Federal SUP in relation to events in Kijevo	10	Not disturbed on appeal	Already admitted
11	Martić Trial, Exh.144	65ter#00122	01/04/1991	Decision of 1 April 1991 of the Executive Council of the Assembly of the SAO Krajina, joining the SAO Krajina to the Republic of Serbia	Political background	7, 10, 11	Not disturbed on appeal	Already admitted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
12	Martić Trial, Exh.207	65ter#00127	03/04/1991	Article in "Tanjug" entitled "Domestic Service Krajina Official on Expelling Croatian Police", dated 3 April 1991	Political development; JCE; reports Martić's declaration that the Croatian Serbs will not allow the establishment of a Croatian MUP station in Plitvice.	3, 7, 10, 21(fh)	Not disturbed on appeal	Denied
13	Martić Trial, Exh.147	65ter#00140	30/04/1991	Decision of 30 April 1991 on the Election of the President of the Executive Council of the Assembly of the SAO Krajina	Establishment of Croatian Serb institutions	10	Not disturbed on appeal	Already admitted
14	Martić Trial, Exh.148	65ter#00141	30/04/1991	Decision to announce a referendum on the annexation of the SAO Krajina to the Republic of Serbia, dated 30 April 1991	Establishment of Croatian Serb institutions	7, 10, 11	Not disturbed on appeal	Already admitted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
15	Mrkšić Trial, Exh.872	65ter#00146	07/05/1991	Federal Secretariat for Peoples Defense, statement, dated 7 May 1991	Political developments and escalation of tension between the Croatian government and the JNA	11(a)	Not disturbed on appeal	Granted
16	Mrkšić Trial, Exh.873	65ter#00147	08/05/1991	Positions of the Federal Executive Council on the Current Political and Security Situation in the Country and Especially in the Republic of Croatia, 1991. titled "Ensure legal order and the personal safety of the public", dated 8 May 1991	Political and military situation in Croatia in May 1991.	11(a)	Not disturbed on appeal	Granted
17	Martić Trial, Exh.149	65ter#00150	14/05/1991	Report of 14 May 1991 on the Referendum Held on the Territory of the SAO Krajina in relation to the SAO Krajina joining the Republic of Serbia	Political background	7, 10, 11	Not disturbed on appeal	Already admitted
18	Martić Trial, Exh.150	65ter#00161	29/05/1991	Decision of 29 May 1991 on the Proclamation of the Statute of the SAO Krajina as the Constitutional Law of the SAO Krajina	Political background; official decisions and legislation	10, 11	Not disturbed on appeal	Already admitted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
19	Martić Trial, Exh.151	65ter#00162	29/05/1991	Constitutional Law of the SAO Krajina dated 29 May 1991	Political background; official decisions and legislation	7, 10	Not disturbed on appeal	Already admitted
20	Martić Trial, Exh.32	65ter#00168	29/05/1991	Decision on the Formation of Units for Special Purposes of the MUP of the Serb Autonomous District of Krajina under the Name "Police of Krajina", dated 29 May	Political background; official decisions and legislation	11(e)	Not disturbed on appeal	Already admitted
21	Martić Trial, Exh.35	65ter#00171	29/05/1991	Decision on the Election of Milan Martić as Minister of Defence of the SAO Krajina dated 29 May 1991	Political background; official decisions and legislation	10	Not disturbed on appeal	Already admitted
22	Martić Trial, Exh.198	65ter#00182	24/06/1991	Agreement on Cooperation between SAO Krajina, represented by Milan Babic, and Community of Municipalities of Bosnian Krajina, represented by Grahovac, Andjelko, dated 24 June 1991	Political background; official decisions and legislation; JCE	7,10,11	Not disturbed on appeal	Already admitted
23	Martić Trial, Exh.197	65ter#00187	27/06/1991	Declaration of Unification of the Association of Municipalities of Bosanska Krajina and SAO Krajina municipalities, dated 27 June 1991	Political background; official decisions and legislation; JCE	7, 10	Not disturbed on appeal	Already admitted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
24	Martić Trial, Exh.34	65ter#00193	27/06/1991	Decision on the Election of Milan Martić as Minister of Internal Affairs of the SAO Krajina, dated 27 June 1991	Political background; official decisions and legislation	10, 11(e)	Not disturbed on appeal	Already admitted
25	Mrkšić Trial, Exh.807	65ter#00199	08/07/1991	War diary of the 1st Motorized Battalion	Military operations in Vukovar	11(a)	Not disturbed on appeal	Granted
26	Mrkšić Trial, Exh.86	65ter#00203	13/07/1991	A stamped document addressed to the 5th MD, from the Security Organ of the 622 JNA Brigade, titled "Security situation in the Sisak-Banjica region", dated 13 July 1991	Armed conflict; JCE members informed of an armed attack on a Croatian police station with the aim of inflicting casualties	11(a)	Not disturbed on appeal	Granted
27	Mrkšić Trial, Exh.44	65ter#00206	18/07/1991	Request from Andrija Hebrang to dismiss Dr. Rade Popovic, dated 18 July 1991	Background document relating to witness Vesna Bosanac	n/a	Not disturbed on appeal	Already admitted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
28	Mrkšić Trial, Exh.707	65ter#00211	25/07/1991	Order nr. 51-1 signed by Veljko Kadujevic, dated 25 July 1991	Military background document; withdrawal of the JNA from Slovenia with its units and technical material equipment	11(a)	Not disturbed on appeal	Granted
29	Martić Trial, Exh.189	65ter#00231	02/08/1991	Notification on the Enactment of the Decision on the Application of the Law of Defence of the Republic of Serbia on the Territory of the SAO Krajina, dated 2 August 1991	Political background; official decisions and legislation; JCE	10, 11(a)	Not disturbed on appeal	Already admitted
30	Martić Trial, Exh.38	65ter#00233	06/08/1991	A Report by the SAO Krajina TO Staff, to the SAO Krajina SUP Secretary, the State Security Department and "Frenki" relating to a cease-fire order issued by Milan Martić, dated 6 August, 1991	Relationship between JCE institutions	10, 11(b)	Not disturbed on appeal	Already admitted

No.	Previous Case	Hadžić Rule 65 ter No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
31	Martić Trial, Exh.37	65ter#00237	08/08/1991	Decision on the Appointment of Milan Martić as the Deputy Commander of the Territorial Defence of the SAO Krajina, signed by Milan Babic, dated 8 August 1991	Political and military background document relating to a member of the JCE	10, 11(e)	Not disturbed on appeal	Already admitted
32	Martić Trial, Exh.236	65ter#00277	05/09/1991	SAO Krajina letter dated 5 September 1991, signed by Milan Babic, regarding the attitude of the SAO Krajina government to the Declaration on Yugoslavia	Political and military background document relating to members of the JCE	10	Not disturbed on appeal	Granted
33	Mrkšić Trial, Exh.195	65ter#00300	15/09/1991	Leave Pass issued by the Tenja local commune to Nežnanovic Dorde, dated 15 September 1991	Use of volunteers in Croatia; relationship between JCE institutions	11(g)	Not disturbed on appeal	Granted
34	Martić Trial, Exh.40	65ter#00301	17/09/1991	Daily Report SAO Krajina TO Main Staff for 16-17 September 1991, dated 17 September 1991	Armed conflict; JCE institutions	11(b), 49	Not disturbed on appeal	Already admitted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
35	Martić Trial, Exh.41	65ter#00305	18/09/1991	Request for Necessary Ammunition and other Military Equipment, sent by Milan Martić to the Serbian Ministry of Defence (Belgrade), dated 18 September 1991	Arming of Serb forces in Croatia; relationship between JCE institutions	10, 11(a)	Not disturbed on appeal	Already admitted
36	Martić Trial, Exh.239	65ter#00307 Duplicate 65ter#00306	19/09/1991	1st MD Order Nr. 5-89 for Operations in Slavonia, Directive, 19 September 1991	Armed conflict; JCE institutions	11(a)	Not disturbed on appeal	Granted
37	Perišić Trial, Exh. 2431; Brđanin Trial, Exh. 2492	65ter#00329	25/09/1991	United Nations Security Council Resolution 713 (1991), dated 25 September 1991	General background document; implementation of weapon embargo by the United Nations	49	Not disturbed on appeal	Granted
38	Mrkšić Trial, Exh.863	65ter#00339	29/09/1991	Order No. 2345-1 on the admission and training of volunteers issued by the 1st Military District Command, signed by Zivota PANIC and dated 29 September 1991	Structure of Serb forces; relationship between JCE institutions	11(a), 11(g)	Not disturbed on appeal	Granted

No.	Previous Case	Hadžić Rule 65 ter No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
39	Mrkšić Trial, Exh.428	65ter#00345	30/09/1991	Report nr 2-1 from Mile Mrkšić to Chief of Cabinet of Federal Secretariat for Peoples Defense, dated 30 September 1991, regarding arrival of the Guards Motorised Brigade in deployment area (Negoslavci)	Vukovar operation; deployment of the Guards Motorized Brigade	11(a)	Not disturbed on appeal	Granted
40	Mrkšić Trial, Exh.0001	65ter#00346	Oct-91	Fax Sent by Vesna Bosanac to the International Mission re: convoy for relief aid to the wounded and civilians in Vukovar Hospital	Widespread and systematic attacks against a civilian population; Vukovar siege	21(b), 21(c), 30-33, 41(h)	Not disturbed on appeal	Granted
41	Mrkšić Trial, Exh.818	65ter#00363	03/10/1991	Letter nr. SP.47-113 signed by Col. Milenko Gligorević, Federal Secretariat for Peoples Defense OB (security administration), to the Cabinet of the Federal Secretariat for Peoples Defense, dated 3 October 1991, regarding prisoners and the obligations of the OB	Military operations in Croatia; capture of prisoners of war.	11(a), 21(e), 40-42	Not disturbed on appeal	Granted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
42	Mrkšić Trial, Exh.712	65ter#00368	05/10/1991	Decision signed by Milan Babić dated 5 October 1991 to the Territorial Defence municipal headquarters and the municipal secretariats for national defence of Gracac, Donji Lapac and Korenica, appointing Ilija Djulić as commander of the SAO Krajina Territorialna obrana	Structure and organization of Serb forces in Croatia	10, 11(b)	Not disturbed on appeal	Granted
43	Martić Trial, Exh. 0240	65ter#00378	08/10/1991	Memorandum of Agreement on ceasefire between JNA, Croatian forces and European Community Monitoring Mission, dated 8 October 1991	Political and military background document	11(a)	Not disturbed on appeal	Granted
44	Martić Trial, Exh.42	65ter#00394	09/10/1991	Order dated 9 October 1991 of the President of the SAO Government Milan Babić subordinating police units to the Territorial Defence	JCE institutions; armed conflict	10, 11(b)	Not disturbed on appeal	Granted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
45	Martić Trial, Exh. 0190	65ter#00398	10/10/1991	Report on the SAO Krajina Territorial Defence by Milan Babic, president of SAO Krajina, dated 10 October 1991	Structure of Serb forces in Croatia; JCE institutions	10, 11(b)	Not disturbed on appeal	Already admitted
46	Mrkšić Trial, Exh.304	65ter#00411	13/10/1991	Letter from Marin Vidic aka Bili to Presidencies of Yugoslavia and Croatia, and others, dated 16 October 1991	Background to the forcible transfer and deportation in Ilok.	17(b), 21(h), 45	Not disturbed on appeal	Already admitted
47	Mrkšić Trial, Exh.324	65ter#00413	13/10/1991	Report on referendum held on 13 October 1991 on handover of weapons and signing of Agreement with JNA by persons in Ilok and Report on Referendum concerning Moving Out of Town by persons in Ilok on 13 October 1991	Background to the forcible transfer and deportation in Ilok.	11(a), 21(h), 45	Not disturbed on appeal	Already admitted
48	Mrkšić Trial, Exh.809	65ter#00436	16/10/1991	Report on activities in 1st Military District, dated 16 October 1991	Background to the forcible transfer and deportation in Ilok, Šarengrad and Bapska	11(a), 21(h), 45	Not disturbed on appeal	Granted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
49	Mrkšić Trial, Exh.693	65ter#00444	01/10/1991	SFRY official gazette 75/47, dated 18 October 1991, with 1 October 1991 Proclamation, signed by Branko Kostić	Armed conflict; military background	7, 10, 11	Not disturbed on appeal	Granted
50	Mrkšić Trial, Exh.847	65ter#00446	18/10/1991	Letter no. 35-14929 from Milenko Gligorević, chief of 453rd mbv OB (security administration), to the 1st Military District OB, dated 18 October 1991	JCE institutions; crimes committed by volunteers & knowledge of JCE members	11(a), 11(g)	Not disturbed on appeal	Granted
51	Mrkšić Trial, Exh.675	65ter#00463 Duplicate 65ter#00464	19/10/1991	Order no. 100-233 signed by Maj-Gen. Spiro NIKOVIC, 1st Operational Group, titled "Placing Territorial Defence units under JNA command", dated 19 October 1991	Relationship between JCE institutions	11(a), 11(b)	Not disturbed on appeal	Already admitted
52	Mrkšić Trial, Exh.822	65ter#00474	22/10/1991	Intelligence report no. 397-1 titled "Security situation in Gmbr units in the zone of combat operations", dated 22 October 1991	Criminal activities of members of the JCE; military operations	11(a)	Not disturbed on appeal	Granted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
53	Mrkšić Trial, Exh.671	65ter#00477	23/10/1991	Order signed by Zivota Avramović, 5th Military District, to create TG-2 under the command of Col. Cedomir BULAT, dated 23 October 1991	Military operations in SAO Krajina	11(a)	Not disturbed on appeal	Granted
54	Mrkšić Trial, Exh.90	65ter#00480	24/10/1991	Letter from Imra Agorić, Government of Croatia to European Community Monitoring Mission Mission Zagreb re: JNA artillery fire in Dubrovnik, dated 24 October 1991	Widespread and systematic attacks against a civilian population	7, 11(a), 21(i), 45, 47	Not disturbed on appeal	Granted
55	Mrkšić Trial, Exh.10	65ter#00482	25/10/1991	Fax sent on 25 October 1991 from Vesna Bosanac at the Vukovar Hospital to the European Mission re: 23 October 1991 artillery attack on Vukovar Hospital, a list of dead from 25 August 1991 to 25 October 1991, and a request for aid	Widespread and systematic attacks against a civilian population; Vukovar siege	21(i), 30, 47, 49	Not disturbed on appeal	Already admitted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
56	Mrkšić Trial, Exh.12	65ter#00490	25/10/1991	Telephone Report to Vladimir Rajtar from Vesna Bosanac dated 25 October 1991 re: phosphorous grenades	Widespread and systematic attacks against a civilian population; Vukovar siege	20	Not disturbed on appeal	Already admitted
57	Mrkšić Trial, Exh.14	65ter#00501	31/10/1991	Note dated 31 October 1991 written by Vesna Bosanac concerning protest from the Vukovar Hospital	Widespread and systematic attacks against a civilian population; Vukovar siege	21(i), 45, 47	Not disturbed on appeal	Already admitted
58	Mrkšić Trial, Exh.19	65ter#00516	02/11/1991	Telephone message from Vesna Bosanac on 2 November 1991 re: continued grenade attack on Vukovar Hospital	Widespread and systematic attacks against a civilian population; Vukovar siege	21(i), 45, 47	Not disturbed on appeal	Already admitted
59	Mrkšić Trial, Exh.864	65ter#00521	03/11/1991	Combat order no. 1614-82/55, signed by Zivota Panic, dated 3 November 1991	Armed conflict; military background; Vukovar siege	11(a), 20	Not disturbed on appeal	Granted

No.	Previous Case	Hadžić Rule 65 ter No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
60	Mrkšić Trial, Exh.825	65ter#00529	05/11/1991	Report no. 35-15398 to Federal Secretariat for Peoples Defense OB (security administration), dated 5 November 1991, regarding intercepted conversation between Franjo Tudman and Mile Dedaković aka Jastrebov	Military intelligence about the situation of the Croatian defence forces, including notes from an intercept	11(a), 20	Not disturbed on appeal	Granted
61	Mrkšić Trial, Exh.869	65ter#00531	06/11/1991	Federal Secretariat for Peoples Defense Information Service, statement dated 6 November 1991 titled "Prisoner exchange agreement concluded"	Armed conflict; exchange of prisoners	21(b)-(e), 49	Not disturbed on appeal	Granted
62	Mrkšić Trial, Exh.670	65ter#00534	07/11/1991	Order titled "Order for attack No. 2" signed by Col. Slobodan Đorđević, dated 7 November 1991	Military operations in SAO Krajina; armed conflict.	11(a), 20, 49	Not disturbed on appeal	Granted
63	Mrkšić Trial, Exh.26	65ter#00537	07/11/1991	Report from Vesna Bosanac at the Vukovar Hospital to the EC Mission, dated 7 November 1991	Widespread and systematic attacks against a civilian population; Vukovar siege	21(i), 45, 47	Not disturbed on appeal	Already admitted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
64	Mrkšić Trial, Exh.567	65ter#00542	08/11/1991	Newspaper articles published in the Belgrade-based daily "Politika Ekspres", dated November 8, 1991 titled "We are Fighting Against Fascism" and "Vukovar Must Fall"	Vukovar siege; JCE institutions	21(i), 45, 47	Not disturbed on appeal	Granted
65	Mrkšić Trial, Exh.775	65ter#00549	09/11/1991	Order no. 362-19 signed by Vladimir Stojanović, 1st Military District, dated 9 November 1991	Vukovar siege; Military operations (deployment of the 80mtbr)	11(a)	Not disturbed on appeal	Granted
66	Mrkšić Trial, Exh.834	65ter#00553	09/11/1991	Report signed by Veselin Šljivančanin, dated 9 November 1991, concerning state of security in units and the zone of responsibility	Vukovar detention facilities (Velepromet); JCE institutions	11(a), 41(j)	Not disturbed on appeal	Granted
67	Mrkšić Trial, Exh. 367	65ter#00554	09/11/1991	Order Strictly Confidential No. 357-1 signed by Mile Mrkšić, dated 9 November 1991	Military operations; JCE institutions; area of responsibility of OG South and 80mtbr	11(a), 20, 49	Not disturbed on appeal	Granted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
68	Mrkšić Trial, Exh.371	65ter#00557	09-11-1991 to 14-01-1992	Operational diary of the 80th Motorised Brigade from 9 November 1991 to 14 January 1992	Military operations in the Vukovar area; armed conflict; JCE institutions	11(a), 20, 49	Not disturbed on appeal	Granted
69	Mrkšić Trial, Exh.826	65ter#00558	10/11/1991	Letter no.423-1 from Federal Secretariat for Peoples Defense OB (security administration) to gmtr OB titled "Intelligence on members of the Zbor Narodne Garde and MUP in Vukovar", dated 10 November 1991	Military intelligence about the Croatian defence forces in Vukovar	11(a), 20, 49	Not disturbed on appeal	Granted
70	Mrkšić Trial, Exh.835	65ter#00559	10/11/1991	Report titled "Transcript of intelligence report by gmtr OB (security administration)", dated 10 November 1991	Vukovar detention facilities (Velepromet); JCE institutions	11(a), 20, 49	Not disturbed on appeal	Granted
71	Mrkšić Trial, Exh.30	65ter#00562	11/11/1991	Faxed report from Vesna Bosanac from the Vukovar Hospital to the EC Mission dated 11 November 1991	Widespread and systematic attacks against a civilian population; Vukovar siege	21(i), 45, 47	Not disturbed on appeal	Already admitted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
72	Mrkšić Trial, Exh.725	65ter#00566	11-11-1991 and 15-11-1991	Federal Secretariat for Peoples Defense Information Service, excerpts of bulletins dated 11 November 1991 and 15 November 1991	JCE institutions (cooperation between military and Serb civilian institutions)	11, 20, 49	Not disturbed on appeal	Granted
73	Mrkšić Trial, Exh.669	65ter#00567	12/11/1991	Order signed by JNA Col. Ćedomir Bulat and the plan for the attack on Saborsko of 12 November 1991	Relationship between JCE institutions (JNA and TO)	11(a), 11(b)	Not disturbed on appeal	Granted
74	Mrkšić Trial, Exh.430	65ter#00579	14/11/1991	Combat order no.398-1 from Mile Mrkšić to OG South command, dated 14 November 1991	Military operations; Vukovar siege	11(a), 20	Not disturbed on appeal	Granted
75	Mrkšić Trial, Exh.32	65ter#00580	14/11/1991	Report from Vesna Bosanac at the Vukovar Hospital to the EC Mission dated 14 November 1991	Widespread and systematic attacks against a civilian population; Vukovar siege; JCE institutions	11(a), 21(f), 45, 47	Not disturbed on appeal	Already admitted

No.	Previous Case	Hadžić Rule 65 ter No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
76	Mrkšić Trial, Exh.22	65ter#00583	15/11/1991	Letter Dated 15 November 1991, Regarding Situation in Vukovar Hospital, Reprinted in Book Entitled "Apeli" ("Appeal") by Dr. Vesna Bosanac	Widespread and systematic attacks against a civilian population; Vukovar siege	21(i), 45, 47	Not disturbed on appeal	Already admitted
77	Mrkšić Trial, Exh.431	65ter#00590	16/11/1991	Combat order no. 409-1 from Mile Mrkšić to OG South command, dated 16 November 1991	Widespread and systematic attacks against a civilian population; Vukovar siege; JCE institutions	11(a), 21(i), 45, 47	Not disturbed on appeal	Granted
78	Mrkšić Trial, Exh.445	65ter#00593	16/11/1991	1 Military District Command order 8-180/31 dated 16 November 1991	Vukovar siege; military operations, collection of bodies and burial in collective graves	11(a), 21(i), 45, 47	Not disturbed on appeal	Granted
79	Mrkšić Trial, Exh.865	65ter#00598	18/11/1991	1st Military District, Daily Operations Report No. 60-325, dated 18 November 1991	Takeover of Vukovar; JCE institutions	11(a), 21(i), 45, 47	Not disturbed on appeal	Granted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
80	Mrkšić Trial, Exh.34	65ter#00602	18/11/1991	Telephone message from Vesna Bosanac to European Mission on 18 November 1991 at 8:50 requesting urgent evacuation for 600 patients and as many civilians in Vukovar Hospital in the face of continuous tank fire	Evacuation of Vukovar hospital (Forcible transfer and deportation)	21(b), 21(c), 21(f), 41(h), 45, 47	Not disturbed on appeal	Already admitted
81	Mrkšić Trial, Exh. 36	65ter#00605	18/11/1991	Telephone message from Vesna Bosanac to European Mission on 18 November 1991 (10:10), re: further attacks on Vukovar Hospital	Widespread and systematic attacks against a civilian population; Vukovar siege	21(b), 21(c), 21(f), 41(h), 45, 47	Not disturbed on appeal	Granted
82	Mrkšić Trial, Exh.417	65ter#00606	18/11/1991	OG South Regular Combat Report Nr 423-1 dated 18 Nov 91 1800 Hr signed by Colonel Mile Mrkšić sent to the Command of the 1 MD and the Federal Secretariat for Peoples Defense	Report on the takeover of Vukovar; JCE institutions	7, 11(a), 21(h), 21(f), 45, 47	Not disturbed on appeal	Already admitted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
83	Mrkšić Trial, Exh.38	65ter#00611	18/11/1991	Telephone message from Vesna Bosanac to European Mission on 18 November 1991 (16:55) re: protection and evacuation of civilians in Vukovar Hospital	Evacuation of the Vukovar hospital (Forcible transfer and deportation)	21(b), 21(c), 21(f), 45	Not disturbed on appeal	Granted
84	Mrkšić Trial, Exh.734	65ter#00622	19/11/1991	Combat report nr. 1614-171 signed by Vladimir Stojanović, 1st Military District, dated 19 November 1991	Forcible transfer and deportation	11(a), 21(f), 45	Not disturbed on appeal	Granted
85	Mrkšić Trial, Exh.418	65ter#00620	19/11/1991	OG South Regular Combat Report Nr 431-1, dated 19 November 1991, signed by Colonel Mile Mrkšić	Takeover of Vukovar and transfer of prisoners of war to Sremska Mitrovica; forcible transfer and deportation of civilian; visit of UN envoy	11(a), 21(b), 21(f), 41(d), 41(h), 45	Not disturbed on appeal	Granted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
86	Mrkšić Trial, Exh.35	65ter#00624	19/11/1991	Telephone message dated 19 November 1991 (9:00) from Vesna Bosanac re: lack of communication or action for the promised evacuation	Evacuation of the Vukovar hospital	21(b), 21(c), 21(h), 41(h), 45	Not disturbed on appeal	Granted
87	Mrkšić Trial, Exh.62	65ter#00627	19/11/1991	List of wounded patients from the Nose, Throat and Ear department of the Vukovar Hospital from the evening before the evacuation	Evacuation of the Vukovar hospital; status of Ovčara victims listed in the Indictment	21(b), 32, 41(h), 41(i)	Not disturbed on appeal	Already admitted
88	Mrkšić Trial, Exh.673	65ter#00630	20/11/1991	Order no. 695-1023 signed by Lt-Gen. Vladimir Banjanin, dated 20 November 1991	Relationship between JCE institutions (JNA and TO)	11(a), 11(b)	Not disturbed on appeal	Granted
89	Mrkšić Trial, Exh.369	65ter#00633	20/11/1991	Strictly confidential order no. 32-1 by Lt. Col. Milorad Vojnović dated 20 November 1991	Area of responsibility of the 80mtbr (Ovčara)	11(a), 32, 41(i)	Not disturbed on appeal	Granted
90	Mrkšić Trial, Exh.373	65ter#00645	20/11/1991	Order no. 32-2 dated 20 November 1991 by Lt. Col. Milorad Vojnović	Area of responsibility of the 80mtbr	11(a)	Not disturbed on appeal	Granted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
91	Mrkšić Trial, Exh.778	65ter#00646	20/11/1991	Order nr. 2436-1, signed by Vladimir Stojanovic, 1st Military District, dated 20 November 1991, on setting up town commands in liberated areas	Relationship between JCE institutions (JNA and SAO SBWS)	11(a), 11(f)	Not disturbed on appeal	Granted
92	Mrkšić Trial, Exh.852	65ter#00647	20/11/1991	Notes of meeting with Government of the Srpska Autonomna Oblast Slavonija Baranja i Zapadni Srem on 20 November 1991	Relationship between JCE institutions (JNA and SAO SBWS); Croatian prisoners of war and Vukovar hospital patients	11(a), 11(f)	Not disturbed on appeal	Granted
93	Mrkšić Trial, Exh.331	65ter#00654	20/11/1991	Report re: activities of the European Monitoring Mission by Lt.Gen. Maksimović dated 20 November 1991	Evacuation of Vukovar (forcible transfer and deportation)	21(h), 30-33, 45	Not disturbed on appeal	Granted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
94	Mrkšić Trial, Exh.861	65ter#00655	20/11/1991	Report no. 52-134 on visit of Cyrus Vance to Vukovar, dated 20 November 1991	Political and military background; access to the Vukovar hospital denied to international envoys	31-32	Not disturbed on appeal	Granted
95	Mrkšić Trial, Exh.853	65ter#00657	20/11/1991	1st MD Command, Order 115-151, dated 20 November 1991	Relationship between JCE institutions (JNA, TO and volunteers); takeover of Vukovar	11(a), 11(b), 11(g)	Not disturbed on appeal	Already admitted
96	Mrkšić Trial, Exh.322	65ter#00668	21/11/1991	Summary of evacuation efforts of Vukovar & Vukovar Hospital on 20 November 1991, dated 21 November 1991	Evacuation of the Vukovar hospital; acts and conducts of the JNA	11(a), 21(b), 21(h), 41(h), 45	Not disturbed on appeal	Already admitted
97	Mrkšić Trial, Exh.444	65ter#00676	22/11/1991	80th Motorised Brigade Command Order 37-3, dated 22 November 1991 re: military authority and security of the commands and units	Relationship between JCE institutions (JNA and TO)	11(a), 11(b)	Not disturbed on appeal	Granted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
98	Mrkšić Trial, Exh.777	65ter#00678	22/11/1991	Order No. 34-2 of the 80th Motorised Brigade, setting up local commands for Grabovo, Jakubovac, and Ovcara, signed by Milorad Vojnovic, dated 22 November 1991	Area of responsibility of the 80mtbr (including Ovcara)	11(a), 32, 41(i)	Not disturbed on appeal	Granted
99	Mrkšić Trial, Exh.197	65ter#00680	22/11/1991	Permit issued to Đorđe Nežnanović to allow him to leave Vukovar, signed for Milan Lančuzanin aka Kameni, dated 22 November 1991	Relationship between JCE institutions (TO and volunteers)	11(a), 11(b), 11(g)	Not disturbed on appeal	Granted
100	Mrkšić Trial, Exh.332	65ter#00685	22/11/1991	Report on activities of the European Monitoring Mission by Lt. Gen. Maksimović dated 22 November 1991.	Evacuation of Vukovar (forcible transfer and deportation); acts and conducts of JCE institutions (JNA)	11(a), 21(b), 21(h), 41(h), 45	Not disturbed on appeal	Granted
101	Mrkšić Trial, Exh.424	65ter#00686	22/11/1991	OG South Order No. 471-2 re the clearing up of the battleground, signed by Mile Mrkšić dated 22 November 1991	Vukovar siege; military operations, collection of bodies and burial	11(a)	Not disturbed on appeal	Granted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
102	Mrkšić Trial, Exh.226	65ter#00694	23/11/1991	People's Army Magazine Report of Awards Ceremony Held for Units from the First Front Line After the Liberation of Vukovar, signed by M. Marjanović dated 23 November 1991	Relationship between members of the JCE (JNA, volunteers and TO); decoration of perpetrators of the Ovčara killings	11(a), 11(b), 11(g), 21(a), 32	Not disturbed on appeal	Granted
103	Mrkšić Trial, Exh.571	65ter#00706	25/11/1991	Newspaper article in Politika Ekspres dated 25 November 1991 entitled "Through Holes to the Ustashas: How Volunteers of the Territorial Army and Soldiers Advanced Through the Streets of Vukovar"	Relationship between members of the JCE (JNA, volunteers and TO); Vukovar siege	11(a), 11(b), 11(g)	Not disturbed on appeal	Granted
104	Mrkšić Trial, Exh.742	65ter#00722	27/11/1991	Memorandum of Understanding signed by representatives of the Federal Republic of Yugoslavia and Croatia concerning humanitarian protections, Geneva, dated 27 November 1991	Military and political background document	49, 52	Not disturbed on appeal	Granted

No.	Previous Case	Hadžić Rule 65 ter No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
105	Mrkšić Trial, Exh.82	65ter#00742	01/12/1991	Official Record by Benkovac Military Post 4810 regarding killings in Skabrnja and Nadin in November 1991, signed by Lt. Ernest Raden, dated 1 December 1991	Involvement of Serb TO and volunteers in crimes in Croatia	11(b), 11(g)	Not disturbed on appeal	Granted
106	Mrkšić Trial, Exh.660	65ter#00758	04/12/1991	Certificate declaring Branislav Gavrilović aka Brne commander of volunteers of SBWS from 4 June to 2 December 1991, signed by Ljubisa Petković, dated 4 December 1991	Relationship between JCE institutions; use of volunteers by the JNA	11(a), 11(g)	Not disturbed on appeal	Granted
107	Mrkšić Trial, Exh.781	65ter#00763	05/12/1991	Report no.136-1 concerning the wounding of Mirosljub Vujović, commander of the Vukovar Territorialna obrana, signed by Milorad Vojnovic dated 5 December 1991	Relationship between members of the JCE (JNA and TO)	11(a)	Not disturbed on appeal	Already admitted
108	Mrkšić Trial, Exh.843	65ter#00779	10/12/1991	Report by Veselin Šljivčanin on Combat Operations in Vukovar, dated 10 December 1991	Relationship between members of the JCE (JNA, volunteers and TO)	11(a), 11(b), 11(g)	Not disturbed on appeal	Granted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
109	Mrkšić Trial, Exh.73	65ter#00875	11/01/1992	Report of the Badinter Commission: Opinion No 1. re: dissolution of Socialistička Federativna Republika Jugoslavija dated 11 January 1992	Political background document	49	Not disturbed on appeal	Granted
110	Mrkšić Trial, Exh.440	65ter#00880	14/01/1992	JNA 80th Motorised Brigade Combat Report from Lieutenant Colonel Rade Danilovic dated 14 January 1992	Military background document (80mtr withdrawal from SBWS)	11(a)	Not disturbed on appeal	Granted
111	Martić Trial, Exh.407	65ter#00881	15/01/1992	Document from Head of Mission of European Community Monitoring Mission on meeting with Croatian Prime Minister Mate Granić, dated 15 January 1992	Forcible transfer and deportation; negotiations on the withdrawal of the JNA from Croatia	11(a), 21(i), 45	Not disturbed on appeal	Granted
112	Martić Trial, Exh.766	65ter#00915	01/02/1992	Message from Marrack Goulding to John Wilson dated 4 February 1992 attaching Letters and documents from Milan Babić, President of the Republika Srpske Krajine to the United Nations, New York dated 1 and 2 February 1992	Political background document	10	Not disturbed on appeal	Already admitted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
113	Perišić Trial, Exh.P243 2	65ter#00923	07/02/1992	United Nations Security Council Resolution 740 dated 7 February 1992	Political background document (preparation for a UN peace-keeping force in Croatia)	49	Not disturbed on appeal	Granted
114	Mrkšić Trial, Exh.84	65ter#00973	11/03/1992	Report issued by Simo Rosic 180 mtbr. (180th Motorised Brigade) Corvette Capt., Regarding crime committed in the village of Bruska 21-12-1991, compiled on 11 March 1992	Persecution, killing of non-Serbs in SAO Krajina	21(a)	Not disturbed on appeal	Granted
115	Mrkšić Trial, Exh.102	65ter#01004	28/03/1992	UNPROFOR report dated 28 March 1992 from Satish Nambiar to Marrack Goulding Regarding Expulsion of Population	Forcible transfer and deportation	21(i), 45	Not disturbed on appeal	Already admitted
116	Mrkšić Trial, Exh.85	65ter#01011	04/04/1992	Report issued by Maj Branislav Ristic. Subject: New information concerning killings in Bruska, dated 4 April 1992	Persecution, killing of non-Serbs in SAO Krajina	21(a)	Not disturbed on appeal	Granted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
117	Martić Trial, Exh.893	65ter#01116	20/05/1992	Mandatory instruction on implementation and information in internal affairs organs in the Republika Srpska Krajina 20 May 1992	Legislation relating to the manner of communicating within the RSK police	11(e)	Not disturbed on appeal	Granted
118	Mrkšić Trial, Exh.694	65ter#01121	22/05/1992	FRY official gazette 6/1, dated 22 May 1992, deciding on the cessation of an immediate threat of war in the SFRY	Military background	49	Not disturbed on appeal	Already admitted
119	Martić Trial, Exh.633	65ter#01169	18/06/1992	Republika Srpske Krajine TO Main Staff letter to TO Zone staff regarding paramilitary groups, dated 18 June 1992	Knowledge of JCE institutions of crimes by armed groups	11(b), 11(g)	Not disturbed on appeal	Granted
120	Martić Trial, Exh.757	65ter#01200	20/07/1992	UNPROFOR report to Cedric Thornberry attaching periodic reports from CAC Sector North dated 20 July 1992	Political background; implementation of UN protected areas	49	Not disturbed on appeal	Already admitted
121	Mrkšić Trial, Exh.522	65ter#01329	29/10/1992	Article by Florence Hartmann titled "United Nations investigates Vukovar mass grave" published in Le Monde on 29 October 1992	Discovery of the Ovčara mass grave	21(a), 32, 41(i)	Not disturbed on appeal	Granted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
122	Mrkšić Trial, Exh.849	65ter#01381	27/11/1992	Interview of Veselin Šljivančanin entitled "Why I Razed Vukovar to the Ground" in Monitor, Podgorica, Montenegro, dated 27 November 1992	Attempts to cover up killings at Ovčara by the JNA	11(a), 21(a), 21(b), 32, 41(i)	Not disturbed on appeal	Granted
123	Martić Trial, Exh.730	65ter#01399	29/12/1992	Milan Martić describes organizational structure of milicija in UNPAs, 29 December 1992.	Information on RSK Police Structure in RSK	10, 11(e), 11(f)	Not disturbed on appeal	Granted
124	Mrkšić Trial, Exh.71	65ter#01476	07/02/1993	Press Report from Zagreb Novijesnik in Serbo-Croatian 07 February 1993 entitled "The War Was Won by Blockading the Garrisons"	Background information to the start of armed conflict	49	Not disturbed on appeal	Granted
125	Perišić Trial, Exh.P771	65ter#01480	10/02/1993	Stenographic Transcript of the 7th session of the Supreme Defence Council (SDC) dated 10 February 1993	Political Developments and JCE	3, 10, 11	Not disturbed on appeal	Granted
126	Perišić Trial, Exh.P715	65ter#01481	10/02/1993	Minutes from the 7th session of Supreme Defence Council (SDC) held on 10 February 1993	Political Developments and JCE	3, 10, 11	Not disturbed on appeal	Granted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
127	Mrkšić Trial, Exh.109	65ter#01506	23/02/1993	Letter from editor of Front magazine stating that Sacir Zulovic was employed by the magazine	Witness related document	n/a	Not disturbed on appeal	Granted
128	Mrkšić Trial, Exh.110	65ter#01509	24/02/1993	Army of Yugoslavia order dated 24 February 1993 terminating employment of Sacir Zulovic signed by Ljubmoir Domazetovic	Witness related document	11(a)	Not disturbed on appeal	Granted
129	Perišić Trial, Exh.P269 2	65ter#01541	12/03/1993	Shorthand notes Stenographic Transcript of the 8th session of the Supreme Defence Council (SDC), dated 12 March 1993	Political Developments and JCE	10, 11	Not disturbed on appeal	Granted
130	Martić Trial, Exh.976	65ter#01579	02/04/1993	Letter addressed to the assembly of the Republika Srpska, signed by Milan Martić expressing appreciation of the initiative of the Republika Srpska Assembly to take steps towards uniting Republika Srpska and the Republika Srpske Krajine, dated 2 April 1993	RSK Political Developments and JCE	6, 10	Not disturbed on appeal	Granted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
131	Perišić Trial, Exh.P701	65ter#01591	14/04/1993	Decree of appointment of Mile Novakovic as Commander of the Srpska Vojska Krajina (Serbian Army of Krajina) signed by President Goran Hadzic on 14 April 1993.	RSK Government Appointments	11(b)	Not disturbed on appeal	Already admitted
132	Perišić Trial, Exh.P213	65ter#01655	02/06/1993	Stenographic Transcript of the 9th Session of the Supreme Defence Council (SDC) held on 2 June 1993	RSK Political Developments and JCE	10, 11	Not disturbed on appeal	Granted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
133	Perišić Trial, Exh.P262 4	65ter#01662	04/06/1993	Three documents. 1) Letter from Republika Srpske Krajine President Goran HADŽIĆ to the President of Serbia, Slobodan Milošević, Concerning Meeting the Requests of the Commanders of the Serbian Army of the Krajina 2) Letter, dated 13 April 1993, from Major General Mile Novaković to the Minister of Defence of the SRJ and to the Chief of the Vojska Jugoslavije GS, Concerning Urgent Request to Send Officers with a Law Degree 3) Letter, dated 22 March 1993, from Mile Novaković to Colonel Stojan Spanović, Concerning Request for Equipment from the Vojska Jugoslavije	Relationship between Hadžić and Milošević. JCE	6, 7, 10	Not disturbed on appeal	Withdrawn by Prosecution
134	Perišić Trial, Exh.P750	65ter#01672	07/06/1993	Minutes from the 9th Session of the Supreme Defence Council (SDC) held on 2 June 1993. Document, dated 7 June 1993	RSK Political Developments and JCE	6, 7, 10	Not disturbed on appeal	Granted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
135	Martić Trial, Exh.P965	65ter#01682	14/06/1993	Minutes of the meeting between Minister of Interior Affairs of the Republic of Serbian Krajina Milan Martić and Deputy Commander of UNPROFOR, Cedric Thornberry, dated 14 June 1993	RSK Government	6, 7, 10	Not disturbed on appeal	Granted
136	Martić Trial, Exh.894	65ter#01690	22/06/1993	Rules on title, function and uniform insignia of internal affairs organs' authorized officials of Serbian Autonomous District Krajina. Dated 22 June 1993	RSK Government and governmental organisations	6, 7, 10	Not disturbed on appeal	Granted
137	Perišić Trial, Exh.P772	65ter#01697	05/07/1993	Stenographic Transcript of the 10th Session of the Supreme Defence Council (SDC) held 5 July 1993	RSK Government and JCE	6, 7, 10	Not disturbed on appeal	Granted
138	Perišić Trial, Exh.P717	65ter#01698	05/07/1993	Minutes from the 10th session of Supreme Defence Council (SDC) held on 5 July 1993	RSK Government and JCE	6, 7, 10	Not disturbed on appeal	Granted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
139	Martić Trial, Exh.249	65ter#01701	08/07/1993	Document Naming 20 employees of RDB to be Rewarded for their Devoted Work with Republika Srpske Krajine MUP, dated 8 July 1993	RSK Government	11(e)	Not disturbed on appeal	Granted
140	Perišić Trial, Exh.P773	65ter#01705	12/07/1993	Stenographic Transcript from 11th Session of the Supreme Defence Council (SDC) held on 12 July 1993	RSK Government and JCE	6, 7, 10	Not disturbed on appeal	Granted
141	Mrkšić Trial, Exh.74	65ter#01708	16/07/1993	Badinter Commission: Opinion No 11 dated 16 July 1993 re: dates of secession of each State from the Socialisticka Federativna Republika Jugoslavija.	Background Political Information	49	Not disturbed on appeal	Granted
142	Mrkšić Trial, Exh.708	65ter#01730	03/08/1993	Records of the conference held on 3 August 1993 regarding war experiences of Republika Srpske Krajine and Slunj municipality in the period June 1991 to June 1993	RSK Government	6, 7, 10	Not disturbed on appeal	Granted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
143	Perišić Trial, Exh.P790	65ter#01758	25/08/1993	Stenographic Transcript of the 12th Session of the Supreme Defence Council (SDC) held on 23 and 25 August 1993	RSK Government and JCE	6, 7, 10	Not disturbed on appeal	Granted
144	Perišić Trial, Exh.P751	65ter#01771	07/09/1993	Minutes from the 12th Session of the Supreme Defence Council (SDC) held on 23 August 1993 and 25 August 1993	RSK Government and JCE	6, 7, 10	Not disturbed on appeal	Granted
145	Martić Trial, Exh.88	65ter#01780	11/09/1993	Report Compiled by units of the Srpska Vojska Krajina (Serbian Army of Krajina) that are tasked with electronic reconnaissance, dated 11 September 1993	RSK Military Information	11(b)	Not disturbed on appeal	Granted
146	Martić Trial, Exh.89	65ter#01786	15/09/1993	Report from the command of the 51st infantry brigade of the Srpska Vojska Krajina (Serbian Army of Krajina) to subordinate units, dated 15 September 1993	Structure and organization of Serb forces in Croatia	11(b)	Not disturbed on appeal	Granted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
147	Martić Trial, Exh. 00861	65ter#01804	29-09-1993 to 01-10-1993	Letter calling for Serbian unity written by the Republika Srpske Krajine Foreign Affair Minister Slobodan Jarevic, addressed to Prof. Aleksa Buhaa, read during the 34th session of the National Assembly of Serb People in BiH held between 29 September and 1 October 1993 in Jahorina	Political development in relation to Serbian intent in BiH.	7, 10, 11	Not disturbed on appeal	Denied
148	Martić Trial, Exh.876	65ter#01809	01/10/1993	Remarks of Radko Licina to Republika Srpske Krajine Parliament October 1993	Political Developments in RSK	10	Not disturbed on appeal	Denied
149	Perišić Trial, Exh.P716	65ter#01825	11/10/1993	Minutes from the 13th session of Supreme Defence Council (SDC) held on 7 September 1993	Political Developments	6, 7, 10	Not disturbed on appeal	Granted
150	Perišić Trial, Exh.P770	65ter#01826	11/10/1993	Minutes from the 14th session of Supreme Defence Council (SDC) held on 11 October 1993	Political Developments	6, 7, 10	Not disturbed on appeal	Granted
151	Perišić Trial, Exh.P709	65ter#01827	11/10/1993	Stenographic transcript of the 14th session of the Supreme Defence Council (SDC)	Political Developments	6, 7, 10	Not disturbed on appeal	Granted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
152	Perišić Trial, Exh.P13	65ter#01868	05/11/1993	Letter by Nebojsa Pavkovic, chief of the SAO Krajina MUP, to the Administration for Border Activities of the MUP of the Republic of Serbia, dated 5 November 1993	Relationship between RSK and Serbia	11(d), 11(e)	Not disturbed on appeal	Already admitted
153	Martić Trial, Exh.669	65ter#01882	12/11/1993	Decision of the Republika Srpske Krajine Ministry of the Interior in relation to the entry of Croatian citizens into the Republika Srpske Krajine dated 12 November 1993	Relationship between RSK and Croatia	7	Not disturbed on appeal	Granted
154	Perišić Trial, Exh.P780	65ter#01899	22/11/1993	Stenographic transcript of the 15th session of the Supreme Defence Council (SDC) held on 10 November 1993 and 22 November 1993	Political Background and JCE	6, 7, 10	Not disturbed on appeal	Granted
155	Perišić Trial, Exh.P744	65ter#01911	01/12/1993	Minutes from the 15th session of Supreme Defence Council (SDC) held on 10 November 1993 and 22 November 1993	Political Background and JCE	6, 7, 10	Not disturbed on appeal	Granted
156	Perišić Trial, Exh.P781	65ter#01934	25/12/1993	Stenographic transcript of the 16th session of the Supreme Defence Council held 25 December 1993	Political Background and JCE	6, 7, 10	Not disturbed on appeal	Granted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
157	Perišić Trial, Exh.P745	65ter#01937	31/12/1993	Minutes of the 16th Session of the Supreme Defence Council (VSO) held on 25 December 1993	Political Background and ICE	6, 7, 10	Not disturbed on appeal	Granted
158	Mrkšić Trial, Exh.175	65ter#01989	17/02/1994	Croatian Missing Person Questionnaire for Martin Dosen, dated 17-02-1994	Vukovar Missing Person	21(a), 30-33	Not disturbed on appeal	Already admitted
159	Perišić Trial, Exh.11	65ter#02048	12/05/1994	Official note of the the National Bank of Yugoslavia re: meeting between the Governors of Bank, Republika Srpska and Republika Srpske Krajine, held at the National Bank of Yugoslavia, Belgrade, 12 May 1994	Relationship between RSK and Serbia	7, 10, 11	Not disturbed on appeal	Denied
160	Perišić Trial, Exh.P153 6	65ter#02059	27/05/1994	Cover letter from UNSG Ghali to UNSC Pres dated 24-May-94 attaching final report of UNCE (Commission of Experts)	UN Commission of Experts	21(a)-(i), 41, 45, 47	Not disturbed on appeal	Granted

No.	Previous Case	Hadžić Rule 65 ter No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
161	Mrkšić Trial, Exh.299	65ter#02322	04/06/1998	Cover Letter from Staff Brigadier Markica Rebic to Franjo Tudjman, and Report on the Work of the Security and Information Service in Relation to the Defence of Indicted Croats before the International Criminal Tribunal in The Hague dated 4 June 1998	Background information - Croatia	49	Not disturbed on appeal	Granted
162	Mrkšić Trial, Exh.43	65ter#02409	04/05/2000	Decision of the Military Court, Belgrade, to initiate an investigation of Vesna Bosanac, dated May 2000	Investigation into Vukovar Hospital Director	n/a	Not disturbed on appeal	Granted
163	Perišić Trial, Exh.P322	65ter#02443	02/04/2001	Statements by Slobodan Milosevic in relation to financial matters	JCE and RSK relationship with Serbia	7, 10	Not disturbed on appeal	Granted
164	Mrkšić Trial, Exh.806	65ter#02463	2002	Book excerpt, "Anthology of Yugoslav Defence and Security Documents 1990-1991", M. Radojevic et al (eds.), published 2002	Background information	11(a)	Not disturbed on appeal	Granted
165	Mrkšić Trial, Exh.153	65ter#02619	02/02/2006	Handwritten list of names titled "Velepromet"	Velepromet related document	21(a), 21(b), 21(c), 31, 41(j)	Not disturbed on appeal	Withdrawn by Prosecution

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
166	Mrkšić Trial, Exh.552	65ter#02689	28/05/2006	List of remains exhumed at Novo Groblje (Vukovar) but originally buried in mass graves at Velepromet. Reproduced in expert report of Visnja Bilic in IT-03-67 but originally provided on 28 May 2006 by Ivan Grjuic	Information on individuals buried in mass grave at Velepromet	21(a)-(c), 31, 41(h), 41(j)	Not disturbed on appeal	Already admitted
167	Mrkšić Trial, Exh.882	65ter#02692	12/08/2006	Orthodox Calendar	General Background Information	n/a	Not disturbed on appeal	Denied
168	Perišić, Exh.P92	65ter#02764	12/05/2009	NCC Belgrade Document No.1/0-5/25-09, Regarding Reply to Attorney Svetoslav Postic request of 12 May 2009, dated 12 May 2009	Criminal Record of Kovacevic	n/a	Not disturbed on appeal	Granted
169	Martić Trial, Exh.18	65ter#02813	Oct. 1991	Order issued by the Defence Staff of Slavonska Pozega	Treatment of Serbs in Croatia	11(a)	Not disturbed on appeal	Granted

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
170	Martić Trial, Exh.17	65ter#02814	Oct. 1991	Fifth Army District, "Memo from Andrija Raseta to the head of European Community Monitoring Mission mission for Former Yugoslavia re. the Croatian Government ordering Serbs to move out of 27 villages in the region of Pozeđa"	Treatment of Serbs in Croatia	11(a)	Not disturbed on appeal	Already admitted
171	Mrkšić Trial, Exh.2	65ter#02827	Oct. 1991	Fax Sent by Vesna Bosanac to the E.C. Mission	Vukovar Hospital	21(f), 47	Not disturbed on appeal	Granted
172	Mrkšić Trial, Exh.576	65ter#02856	20/11/1991	Transcripts of a video clip of Goran Hadžić's statement on 20 November to the TV Belgrade evening news	Video footage of Hadžić	2, 3	Not disturbed on appeal	Withdrawn by Prosecution
173	Mrkšić Trial, Exh.597	65ter#02985	04/11/1991	List of names of patients found in a register of the Vukovar Hospital for the period of November 1991, provided by Ministry of Foreign Affairs of Serbia and Montenegro	Vukovar Hospital	21(f), 47	Not disturbed on appeal	Denied

No.	Previous Case	Hadžić Rule 65 <i>ter</i> No.	Document Date	Description / Summary	Relevance	Indictment Para. No.	Status on Appeal	Decision on Judicial Notice of Authenticity
174	Martić Trial, Exh.1	65ter#02987	1990	Undated Communiqué of the Srpska demokratska stranka / Serbian Democratic Party Krajina Regarding a Gathering, signed by Ljubica Solaja	RSK Political Developments	3	Not disturbed on appeal	Granted
175	Martić Trial, Exh.721	65ter#03037	Feb. 1992	Undated Standard Operating Procedures (S.O.P.) (UNPROFOR) Police Monitors, Including Mandate, Functions, Duties, and Responsibilities	UNPROFOR Structure	49	Not disturbed on appeal	Granted