

IT-09-92-T  
D76511-D76500  
13 February 2014

IT-09-92-T p.76511

uc

**UNITED  
NATIONS**



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

Case No. IT-09-92-T  
Date: 13 February 2014  
Original: English

**IN TRIAL CHAMBER I**

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

**Registrar:** Mr John Hocking

**Decision of:** 13 February 2014

**PROSECUTOR**

v.

**RATKO MLADIĆ**

***PUBLIC***

---

**DECISION ON PROSECUTION MOTION FOR ADMISSION  
OF DOCUMENTS FROM THE BAR TABLE  
(MILITARY AND RESIDUAL DOCUMENTS)**

---

**Office of the Prosecutor**

Mr Dermot Groome  
Mr Peter McCloskey

**Counsel for Ratko Mladić**

Mr Branko Lukić  
Mr Miodrag Stojanović

## I. PROCEDURAL HISTORY AND SUBMISSIONS OF THE PARTIES

1. On 31 October 2013 the Prosecution filed a motion requesting the admission of 695 documents from the bar table (“Motion”).<sup>1</sup> On 19 December 2013 the Prosecution filed a notification regarding the documents subject to the Motion that have already been admitted (“Notification”).<sup>2</sup> On 14 November 2013, the Defence requested 44 additional days to file its response, which the Chamber granted on 18 November 2013.<sup>3</sup> The Defence filed a response on 30 December 2013 (“Response”) objecting to the Motion in part.<sup>4</sup> On 6 January 2014 the Prosecution filed a request for leave to reply to the Response and for additional time to reply,<sup>5</sup> which the Chamber granted on 13 January 2014.<sup>6</sup> The Prosecution filed its reply on 21 January 2014 (“Reply”).<sup>7</sup>

2. In the Motion the Prosecution requests the admission of 434 military and residual documents included in Annex A of the Motion (“Annex A”) and requests the Chamber to take judicial notice of the authenticity of five of these documents.<sup>8</sup> In this decision the Chamber will only consider the admission of the documents included in Annex A. The remaining documents, listed in Annex B to the Motion, have been addressed in a separate decision.

## II. APPLICABLE LAW

3. The Chamber recalls and refers to the applicable law governing the admission of documents from the bar table and taking judicial notice of documents as set out in a previous decision.<sup>9</sup>

## III. DISCUSSION

### A. Preliminary matters

4. The Chamber considered that it would be assisted by further submissions from the Prosecution on the matters outlined in the request for leave to Reply and therefore granted leave to

<sup>1</sup> Prosecution Motion to Admit Evidence from the Bar Table (with Confidential Annexes A & B), 31 October 2013.

<sup>2</sup> Notification regarding Prosecution Motion to Admit Evidence from the Bar Table, 19 December 2013.

<sup>3</sup> Defence Motion for Enlargement of Time to Respond to “Prosecution Motion to Admit Evidence from the Bar Table Pursuant to Rules 89(C) and 94 (B)”, 14 November 2013; T. 19441.

<sup>4</sup> Defence Response in Opposition to “Prosecution Motion to Admit Evidence from the Bar Table”, 30 December 2013. For the Defence submissions the Chamber refers to the Response.

<sup>5</sup> Prosecution Request for Leave to Reply to Defence Response to Prosecution Motion to Admit Evidence from the Bar Table and for Additional Time to Reply, 6 January 2014.

<sup>6</sup> The parties were informed through informal communication, setting the deadline to 21 January 2014.

<sup>7</sup> Prosecution Reply to Defence Response to Prosecution Motion to Admit Evidence from the Bar Table, 21 January 2014. For details of the Prosecution submissions the Chamber refers to the Motion and Notification.

<sup>8</sup> Motion, para. 7.

reply. Further, considering the amount of documents addressed in the Motion and the Response, the Chamber grants leave to the Prosecution and Defence to exceed the word limit.

5. On 19 December 2013, the Prosecution notified the Chamber and the Defence that 40 documents included in the Motion had already been admitted into evidence.<sup>10</sup> Accordingly, the Prosecution withdrew the tendering of these documents, and the Chamber will consequently not further consider them in this decision. The Chamber notes moreover that the document bearing Rule 65 *ter* number 6551 has already been admitted as P3209, and accordingly declares the tendering of this document moot.

6. The Prosecution requests the Chamber to take judicial notice pursuant to Rule 94 (B) of the Tribunal's Rules of Procedure and Evidence ("Rules"), of the authenticity of the documents bearing Rule 65 *ter* numbers 17327, 853, 9848, 9093, and 14585.<sup>11</sup> However, as the Prosecution's request for taking judicial notice of authenticity is not repeated at the end of its submissions under "Relief Requested", and considering that the Prosecution has insufficiently directed the Chamber to the instances where a previous Chamber ruled on the documents' authenticity,<sup>12</sup> the Chamber understands the Motion to solely seek the admission of these documents pursuant to Rule 89 (C) of the Rules, and will not further consider the issue of taking judicial notice of authenticity. The Chamber will address the admissibility of these documents pursuant to Rule 89 (C) in Section F below.

7. The Prosecution further requests that the document bearing Rule 65 *ter* number 18351a be admitted as exhibit P250, since it contains a limited excerpt of a logbook discussed with witness Osman Selak which was MFI'd as P250 and subsequently MNA'd.<sup>13</sup> The Chamber considers that the document with Rule 65 *ter* number 18351a only contains four pages of the document discussed with witness Osman Selak and therefore finds it more appropriate to admit this document under a separate exhibit number, provided that all admissibility requirements are met.

8. The documents listed in Annex A are organized under sub-headings indicating which part of the case they relate to. Further, the Prosecution has included for each document a detailed

---

<sup>9</sup> Decision on Prosecution's Bar Table Motion for the Admission of Intercepts: Srebrenica Segment, 2 May 2013, paras 7-10.

<sup>10</sup> Notification, paras 2-3. The document bearing Rule 65 *ter* 17293a was admitted into evidence on 12 December 2013. In the Notification the Prosecution has indicated that it wishes to upload a revised version of the document. The Chamber will instruct the Prosecution to do so.

<sup>11</sup> Motion paras 1, 7; See Annex A, items number 27, 99, 285, 304, and 350.

<sup>12</sup> Decision on Prosecution's Bar Table Motion for the Admission of Intercepts: Srebrenica Segment, 2 May 2013, para. 19.

<sup>13</sup> See Annex A, item number 293.

description of its relevance, and an explanation of how the document would fit into its case.<sup>14</sup> The Chamber notes that some of the tendered documents are lengthy,<sup>15</sup> and considers that many of these lengthy documents are in the category “Military Laws, Doctrines and Regulations” and that their general relevance to the Indictment is clear. The Defence has not objected to the admission into evidence of most of the lengthy documents. For the foregoing reasons, the Chamber is satisfied that the Prosecution has shown with sufficient clarity and specificity how the documents listed in Annex A fit into its case.

### B. Documents for which there is no objection

9. The Defence does not object to the admission of 70 documents, which it submits appear to originate from official sources.<sup>16</sup> Four of these documents have already been admitted into evidence.<sup>17</sup> Further, two of the documents addressed by the Defence are not tendered in the Motion.<sup>18</sup> Because the Defence, elsewhere in the Response, nevertheless raises specific objections with regard to some of these 70 documents, the Chamber will still address these objections in the sections C-F below. With regard to the remaining 153 documents, the Defence has made no specific objections. The Chamber will address the relevance and probative value of all proffered documents in section F below.

### C. Challenges to authenticity and reliability

10. The Defence challenges the authenticity and reliability of a number of documents on four distinct grounds. The Chamber will now turn to addressing the merits of these objections, and will address the relevance and probative value of these documents pursuant to Rule 89 (C) under Section F below.

#### *Unofficial and insufficiently identified sources*<sup>19</sup>

11. First, the Defence objects to the admission of 37 documents on the grounds that the identified source of the document is not an official source, or the source is insufficiently

<sup>14</sup> The Chamber notes that in its Reply the Prosecution submitted that Annex A listed the document bearing Rule 65 *ter* number 523 twice, that it did not have complete information for the document bearing Rule 65 *ter* number 2210 which is part of the 1<sup>st</sup> Krajina Corps Collection and that Rule 65 *ter* number 12954 is incorrectly listed as Rule 65 *ter* number 12594.

<sup>15</sup> See, for example, the documents bearing Rule 65 *ter* numbers 17281, 17285a, 4380, 4635a, 5581a, 17282a, 3861, 4640, 4382, 14466, 8647, 9261, 11121, 63, 1022, 19177, and 19192a.

<sup>16</sup> Response, para. 11.

<sup>17</sup> Rule 65 *ter* 17490, 12986, 30391, and 2261. The Chamber refers in this respect to *supra* para. 5.

<sup>18</sup> Rule 65 *ter* 209 and 12506b. See Response, paras 11 (qq), 11 (fff).

<sup>19</sup> Response, para. 12.

identified.<sup>20</sup> With regard to the former, the Defence argues that the collections identified by the Prosecution are not official archives, and no witnesses were called to testify on details pertaining to the collections.<sup>21</sup> The Chamber notes at the outset that a document originating from an unofficial source is as such not inadmissible under Rule 89 (C) of the Rules. Further, a majority of the 37 documents originates from collections included in the Prosecution's Origin Glossary attached to Annex A ("Origin Glossary"), where it provides the dates of submission or seizure, and detailed information on the source of the collections.<sup>22</sup> A large number of the remaining documents appear to originate from the Agency for Investigation and Documentation ("AID"), which the Defence submits raises questions about the authenticity and reliability of the documents received from this source.<sup>23</sup> However, the Defence does not explain, with reference to the characteristics of individual documents, why it considers the documents to be unreliable, incredible, or inauthentic, and why it finds the source problematic. In addition, the Prosecution submits that the Defence has itself tendered documents originating from the collections and sources it objects to.<sup>24</sup> While the Chamber does not consider such an inconsistent approach to prevent the Defence from challenging the sources at this subsequent stage, the Chamber notes that it has previously admitted documents appearing to originate from AID<sup>25</sup> and all collections the Defence objects to. The Chamber is not satisfied that a general objection against these sources as "unofficial" is sufficient to cast doubt on the authenticity and reliability of documents originating from them.<sup>26</sup> With regard to the Defence's argument that witnesses were not called to give details on the collections, the Chamber notes the Prosecution's submission regarding testimony and documentary evidence addressing some of the collections.<sup>27</sup> For the foregoing reasons, the Chamber does not request further verification of the authenticity of these documents under Rule 89 (E) of the Rules, and finds the Defence objection in this regard to be without merit.

12. The Defence similarly objects to the admission of the document bearing Rule 65 *ter* number 14731, which it submits does not originate from an official source. The Chamber notes that the

<sup>20</sup> *Ibid.*

<sup>21</sup> Response, paras 12, 12(c)-12(g), 12(i)-12(k).

<sup>22</sup> The documents objected to by the Defence originate from the following OTP collections: 1st Krajina Corps Collection, Cobblestone DIA, Cargo and Cargo II Collections, Pale II Collection, Sarajevo and Sarajevo II Collections, and VRS Drina Corps Collection. *See* Origin Glossary.

<sup>23</sup> Response, para. 12(b).

<sup>24</sup> For Defence exhibits originating from the collections, *see* Reply, footnote 9. For a Defence exhibit originating from AID, *see* Reply, footnote 18.

<sup>25</sup> *See* Decision on the Admission of Intercepts and Authentication Charts, 6 February 2014.

<sup>26</sup> The Chamber notes that it has previously admitted documents, which appear to originate from the VRS Drina Corps Collection, the 1st Krajina Corps Collection, the Sarajevo and Sarajevo II Collection, and the Cobblestone DIA Collection. *See* Decision on Prosecution Motion for Admission of Documents from the Bar Table (Sarajevo Documents), 17 December 2013. The Chamber has also previously admitted documents, which appear to originate from the Pale II Collection and the Cargo and Cargo II Collections. *See* e.g. P1094 and P412.

<sup>27</sup> Reply, para. 9.

Prosecution has explained that the document originates from the published book *Srpska Radikalna Stranka* authored by Vojislav Šešelj, one of the alleged JCE members.<sup>28</sup> Referring to its observations as set out in the previous paragraph, the Chamber finds the Defence objection in this regard to be without merit.

13. As regards the Defence's objection against documents where the source is insufficiently identified, the Chamber understands this objection to pertain to the remaining two documents listed under paragraph 12 of the Response.<sup>29</sup> The Chamber notes in this regard the Prosecution's additional submissions in its Reply.<sup>30</sup> With regard to the document bearing Rule 65 *ter* number 9117, the Prosecution has not provided information on the origin of the document.<sup>31</sup> Although the document is not signed as argued by the Prosecution, it contains a date as well as an indication that its contents have been approved by Lieutenant General Dragoljub Simonović. The Chamber also considers that the document deals with redeployment of JNA forces in Bosnia and Herzegovina in the spring of 1992 and is therefore cumulative to other evidence in the case.<sup>32</sup> With regard to the document bearing Rule 65 *ter* number 4375, the document appears to be an official set of rules issued by the Presidency of the SFRY, pertaining to the service of security organs in the JNA, and it appears to have been published by the Military Printing House in Belgrade.<sup>33</sup> Moreover, the document is cumulative with the testimony of witness Milenko Todorović who commented on its contents.<sup>34</sup> For the foregoing reasons, the Chamber does not request further verification of the authenticity of these documents under Rule 89 (E) of the Rules, and finds the Defence objection in this regard to be without merit.

*JNA documents received from Croatian and Bosnian archives*<sup>35</sup>

14. Second, the Defence objects to the admission of 13 documents on the ground that they have not been received from official JNA archives.<sup>36</sup> At the outset the Chamber notes that the documents bearing Rule 65 *ter* numbers 8982 and 9299 do not appear to be JNA documents. The Chamber rejects the submission that these documents originate from the JNA because the Defence does not provide a basis for such submission. For the remaining documents the Chamber reiterates its

<sup>28</sup> See Annex A, item number 264.

<sup>29</sup> Response, paras 12(a) and 12 (h).

<sup>30</sup> Reply, para. 22(d).

<sup>31</sup> See Annex A, item number 56. The Prosecution submits that the document contains summary notes from Lieutenant General Simonović of a meeting on 25 March 1992.

<sup>32</sup> See P3029, Report by Reynaud Theunens, Part II, Section I; P3144, Witness RM-093's statement dated 12 October 2002.

<sup>33</sup> Reply, para. 22 (d).

<sup>34</sup> See T. 19845-19847.

<sup>35</sup> Response, para. 13.

<sup>36</sup> *Ibid.*

position established in the previous paragraphs, and considers the mere fact that the documents originate from Croatian or Bosnian authorities to be insufficient to challenge their authenticity, credibility, or reliability. Accordingly, the Chamber does not request further verification of the authenticity of these 13 documents under Rule 89 (E) of the Rules, and finds the Defence objection in this regard to be without merit.

*Documents not meeting the standard of authenticity and reliability*<sup>37</sup>

15. Third, the Defence objects to the admission of the document bearing Rule 65 *ter* number 14403 on the ground that it is not in the format of a JNA document, it does not identify the issuing organ or unit, and contains no signatures, stamps, or seals.<sup>38</sup> The Prosecution submits that the document is an official record issued by the “JNA Security Department” and its contents are corroborated by other materials tendered in the Motion and the notebooks of the Accused.<sup>39</sup> The Prosecution additionally submits that the heading of the document corresponds with other reports produced by the same organ.<sup>40</sup> The Chamber notes that the document does not appear to contain independent indicia of authenticity or reliability, or an indication of issuing organ or unit. However, the document relates to alleged crimes against civilians in the Krajina, in the villages of Škabrnja and Nadin on 18 and 19 November 1991. The Chamber has received other evidence of similar facts,<sup>41</sup> and finds the document to be cumulative to other documents tendered in the Motion.<sup>42</sup> In particular, the notebook of the Accused from the relevant period contains an entry from 17 November 1991 to “properly mop up the sectors Nadin, Škabrnja”.<sup>43</sup> The document appears to originate from a governmental archive. For the foregoing reasons, the Chamber does not request further verification of the authenticity of the document under Rule 89 (E) of the Rules, and finds the Defence’s objection against the admission of this document to be without merit.

*Open source documents*<sup>44</sup>

16. Fourth, the Defence objects to the admission of five documents on the ground that the origin of the documents as “open source”, without additional details is not sufficient to guarantee their authenticity, and argues that the documents are not in their official format upon which the

<sup>37</sup> Response, para. 32.

<sup>38</sup> Response, para. 32.

<sup>39</sup> See Annex A, item number 33.

<sup>40</sup> Reply, para. 22 (b).

<sup>41</sup> See the testimony of Reynaud Theunens at T. 20335 and 20581.

<sup>42</sup> See the documents bearing Rule 65 *ter* numbers 14367, 14399 and 14400.

<sup>43</sup> See P349, p. 356.

<sup>44</sup> Response, para. 34-36.

Prosecution relies.<sup>45</sup> The Chamber notes that the documents bearing Rule 65 *ter* numbers 9809 and 9810 appear to be photocopies of the original newspaper articles published in *Vjesnik* on 28 October 1991 and 30 October 1991, respectively.<sup>46</sup> Considering that the Chamber has received into evidence other newspaper articles, identifying the issuing newspaper and the date of issue,<sup>47</sup> the Chamber does not request further verification of the authenticity of these documents under Rule 89 (E) of the Rules, and finds the Defences objection against these documents to be without merit.

17. The Rule 65 *ter* number 22476 pertains to a video interview with Vojislav Šešelj, which the Prosecution submits was conducted for the BBC documentary *The Death of Yugoslavia*.<sup>48</sup> The Prosecution further submits that the interview is of open source origin, and was received from Brook Lapping Productions on 24 August 2005.<sup>49</sup> The Chamber notes moreover that the transcript appears to identify the interviewer as Laura Silber. For the foregoing reasons, the Chamber considers the Defence's argument regarding lack of "further details" to be inaccurate. The Chamber notes that the complete interview has not been transcribed in the transcript attached to the video, which only contains portions of the interview indicating the time on the video. The Chamber understands that the portions of the interview being proffered into evidence are the portions contained in the transcript, and will consider the Prosecution's request as such. The video contains an interview with the alleged JCE member Vojislav Šešelj, which appears on the video and personally gives answers to the questions posed by the interviewer. Therefore the Chamber does not request further verification of the authenticity of the video under Rule 89 (E) of the Rules, and finds the Defence's objection in this regard to be without merit. To the extent that the Defences objection is based on the understanding that admission into evidence of these 'open source' documents also means that the truth of the contents of them is thereby established, would be a misconception.

#### D. Documents that should have been tendered through witnesses

18. First, the Defence objects to the admission of eight documents on the ground that the documents were not presented to, or tendered through witnesses who appeared in court, although

<sup>45</sup> Response, paras 34-36. The Chamber notes that the Defence only refers to five specific documents under this objection, bearing Rule 65 *ter* numbers 9809, 9810, 8568a, 6551 and 22476. The Chamber will therefore only consider these specifically referenced documents as being objected to on the ground of being of open source origin. With regard to the document bearing Rule 65 *ter* numbers 6551 and 8568a, the Chamber refers to its finding in *supra* para. 5.

<sup>46</sup> The Chamber notes that the article title referenced by the Prosecution, "Novi nupad na Sibenik" [sic] is not contained in the document bearing Rule 65 *ter* number 9809. This article is found in the document bearing Rule 65 *ter* number 9810. Based on the Prosecution's description of the former document, the Chamber understands that the article being proffered into evidence from the document bearing Rule 65 *ter* number 9809 is the article titled "Mladić: Drniš će zvati Ratkovo". For the Prosecution's additional submissions, *see* Reply, para. 22 (a).

<sup>47</sup> *See* e.g. P481, P482, and P1893.

<sup>48</sup> *See* Annex A, item number 267. *See* also Reply, para. 22 (a).

<sup>49</sup> *See* Annex A, item number 267.



these witnesses are stated as the subject or author of the document.<sup>50</sup> The Chamber notes that these documents pertain to witnesses Manojlo Milovanović and Petar Skrbić who are identified either as authors, recipients and/or subjects of the documents. After reviewing the documents the Chamber considers them to be mainly of an administrative nature, including a list of military posts, and that the contents of these documents do not require them to be tendered through witnesses. The Chamber therefore finds the Defence's objection against these eight documents to be without merit.

19. Second, the Defence objects to the admission of 26 documents on the ground that, while they pertain to serious matters, the Prosecution did not bring fact witnesses to contextualize, or explain the purported sources and authors of the documents.<sup>51</sup> In addition, the Defence objects to the admission of 123 documents on the ground that they are of such significant nature, some of them purporting to talk of direct acts, comments, or intent of the Accused, that they should be led through witnesses in order to gain proper contextualization.<sup>52</sup> The Chamber understands these objections to be interrelated, and will address them collectively. The Chamber recalls that, tendering a document from the bar table, rather than through a witness in court, could affect the weight the Chamber ultimately attaches to a document. Prejudice to the Defence is not automatic even where the document's contents directly go to the alleged acts and conduct of the Accused, or pertain to serious issues raised in the Indictment. If the content of a particular document is of such prejudicial nature that its admission should be rejected when not tendered with a witness it is for the Defence to make detailed submissions in this respect, which it has failed to do. Furthermore, the Chamber does not consider the documents to be of such nature that tendering them from the bar table would be a violation of Rule 89 (D) of the Rules.

20. The Chamber will consider the relevance and probative value of the documents referred to in the two previous paragraphs in section F below.

#### E. Objection against relevance of documents

21. Regarding the Defence objection that the Prosecution tenders documents that contain irrelevant evidence that goes to matters beyond the scope of the Indictment, the Chamber recalls that reference to matters that are outside the temporal, geographical and/or subject-matter scope of the Indictment are not per se irrelevant to the Indictment.<sup>53</sup> For example, historical and background

<sup>50</sup> Response, paras 15-17. These documents bear the Rule 65 *ter* numbers 791, 445, 12963, 19175, 13128, 1004, 8849, and 14757.

<sup>51</sup> Response, paras 18-19. The Chamber notes that the documents bearing Rule 65 *ter* numbers 16452 and 7510, objected to under paragraph 19 of the Response, were not tendered in the Motion.

<sup>52</sup> Response, paras 26-29.

<sup>53</sup> See e.g. T. 20320-20323.

information may be important to understand or to contextualize the events that are alleged to have transpired during the Indictment period.<sup>54</sup>

22. The Chamber will consider the relevance and probative value of the documents the Defence objected to in particular on lack of relevance in section F below.

#### F. Relevance and probative value

23. With regard to relevance, the Chamber considers that the documents listed under Category I in Annex A encompass rules and practices related to the responsibilities of the armed forces, and finds them relevant to the Indictment. The documents listed under Category II relate to the manner in which the Accused operated as a commander and the methods and techniques he employed thereby. Accordingly the Chamber is satisfied that these documents are of relevance to the positions and intention of the Accused.<sup>55</sup> Having reviewed the documents in Category III the Chamber finds these to be relevant in that they contextualize the events charged in the Indictment, including the takeover of municipalities.

24. The documents listed under the remaining categories<sup>56</sup> relate to the issues and events charged in the Indictment, *inter alia*, the command and control of the Accused over the VRS and its operations; the VRS chain of command; establishment and organization of the VRS; the alleged relationship between the VRS and the VJ and/or the FRY including the alleged procurement of military assistance; and information sharing among alleged JCE members and military and political authorities and/or along VRS chain of command.<sup>57</sup> The Chamber accordingly finds the documents tendered in the Motion to be relevant to the Indictment.

25. Turning to the probative value of the documents proffered in Annex A, the Chamber recalls at the outset that the purported source of a document is one factor the Chamber may consider when determining whether a document is of probative value. In this regard, the Chamber refers to its reasoning and conclusions in paragraphs 11 through 17 above, pertaining to objections raised by the Defence against the authenticity and reliability of specific documents. Having found the Defence's

<sup>54</sup> *Ibid.*

<sup>55</sup> The Chamber limits itself to the English translation of the document bearing Rule 65 *ter* number 14367, which consists of 19 pages, and notes that the BCS version of this document amounts to 200 pages. Regarding the document bearing Rule 65 *ter* number 4645 the Chamber limits itself to the portions translated into English.

<sup>56</sup> See Annex A, categories IV up to and including XVII.

<sup>57</sup> With regard to the document bearing Rule 65 *ter* number 8770 the Chamber notes that according to Annex A this is a document related to Stanislav Galić, but that this person's name is not mentioned in the document. The Prosecution should upload a section of the entire document that clarifies that this document is what the Prosecution argues it to be.

objections against the purported sources of some of the documents to be without merit, the Chamber notes that the Prosecution has specified the origin of the documents tendered in the Motion.<sup>58</sup> These include the archives listed in the “Origin Glossary”; UN organs; governments; and other official bodies. The Chamber has also considered the contents of the documents and how they relate to other evidence. Furthermore, most of the documents contain dates, signatures, and/or stamps, or contain information about who authored, sent or received the documents.<sup>59</sup> Considering the foregoing the Chamber is satisfied that the documents addressed under this heading are of probative value to the Indictment.

#### IV. DISPOSITION

26. For the foregoing reasons, pursuant to Rule 89 of the Rules, the Chamber

- (i) **GRANTS** the Motion **IN PART**
- (ii) **GRANTS** the Prosecution and Defence requests to exceed the word limit in the Motion and Response;
- (iii) **DECLARES** the Motion moot in relation to the request for admission of the document bearing Rule 65 *ter* number 6551;
- (iv) **ADMITS** into evidence **UNDER SEAL** the documents with Rule 65 *ter* numbers 791, 1052, 17664, 1990, 1006, 23501, 9554, 1381;
- (v) **ADMITS** into evidence **PROVISIONALLY UNDER SEAL** the remainder of the documents listed in Annex A of the Motion,<sup>60</sup> subject to paragraphs 5 and 6;
- (vi) **INSTRUCTS** the Prosecution to upload, within one week of the date of filing of this decision, a reduced BCS version of Rule 65 *ter* number 14367 that matches the English version;
- (vii) **INSTRUCTS** the Prosecution to upload, within one week of the date of filing of this decision, a revised version as P3075 as indicated in its Notification in para. 3;

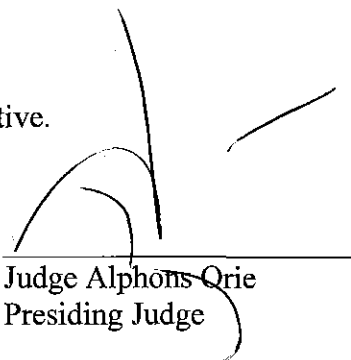
<sup>58</sup> For the document bearing Rule 65 *ter* number 9117, *see supra* para. 13.

<sup>59</sup> As regards the documents bearing Rule 65 *ter* number 23426 and 10675, the Prosecution submits that it possesses a second copy of these documents, which originate from AID Sarajevo and VRS Archives respectively. Considering that the documents are numbered, dated, signed and stamped, the Chamber is satisfied that the copies uploaded under the Rule 65 *ter* numbers 23426 and 10675 have probative value. Regarding the document with Rule 65 *ter* number 14813 the Chamber notes the sequential numbering and accepts that the document has probative value.

<sup>60</sup> The Chamber admits the document bearing Rule 65 *ter* number 22476 as clarified in para. 17.

- (viii) **INSTRUCTS** the Prosecution to upload, within one week of the date of filing of this decision, an additional section to Rule 65 *ter* number 8770 that clarifies that the document is what the Prosecution argues it to be;
- (ix) **INSTRUCTS** the Prosecution to upload, within one week of the date of filing of this decision, the above admitted documents into eCourt, to the extent this has not been done already;
- (x) **INSTRUCTS** the Registry to change the status of the evidence identified in (v) above into public, unless the Prosecution files a request for protective measures within two weeks of the date of filing of this decision; and
- (xi) **REQUESTS** the Registry to assign numbers to the exhibits admitted by this decision and inform the parties and the Chamber of the numbers so assigned;

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



---

Judge Alphons Orie  
Presiding Judge

Dated this thirteenth day of February 2014  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**