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

Case No. IT-09-92-T
Date: 6 February 2013
Original: English

IN TRIAL CHAMBER I

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

Registrar: Mr John Hocking

Decision of: 6 February 2013

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

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

Office of the Prosecutor

Mr Dermot Groome
Mr Peter McCloskey

Counsel for Ratko Mladić

Mr Branko Lukić
Mr Miodrag Stojanović

I. PROCEDURAL HISTORY

1. On 5 October 2012, the Prosecution filed a Motion pursuant to Rule 92 *bis* and Rule 92 *quater* of the Tribunal's Rules of Procedure and Evidence ("Rules") seeking to admit into evidence material with regard to Rahima Malkić, Hanifa Hafizović, Husein Delić, Samila Salčinović, Mejra Mešanović, Šehra Ibišević, Behara Krdžić, Nura Efendić, Mirsada Gabeljić, Amer Malagić, Salih Mehmedović, Hana Mehmedović, Mevlida Bektić, Razija Pašagić, and Šifa Hafizović ("Motion").¹

2. On 10 October 2012, the Prosecution filed a supplementary submission, to which it annexed the English translation for the death certificate of Witness Hafizović (Šifa) ("Supplementary Submission").² On 18 October 2012, the Defence filed its Response ("Response").³ On 22 October 2012, the Prosecution informed the Chamber through an informal communication that missing pages of the BCS version of the statements of Witnesses Delić, Ibišević, and Efendić before the Sarajevo Cantonal Court would be uploaded into eCourt.⁴ On 25 October 2012, the Prosecution filed a request for leave to reply, including its reply ("Reply"), and replaced its tendering of one statement of Witness Salčinović with a redacted version.⁵ Leave to reply was granted by the Chamber on 2 November 2012 and on that same day the parties were informed accordingly through an informal communication. On 12 December 2012, the Prosecution informed the Chamber through an informal communication that an associated exhibit of Malagić's Rule 92 *bis* witness package, with 65 *ter* no. 13445, had been uploaded into eCourt incorrectly, and that this had since been corrected.

II. SUBMISSIONS OF THE PARTIES

3. The Prosecution requests that it be permitted to exceed the usual word limit for motions considering that the Motion addresses the evidence of 15 Rule 92 *bis* and Rule 92 *quater* witnesses.⁶ The Prosecution contends that the proposed evidence of all 15 witnesses is relevant and probative of issues in the instant case, that it is reliable, and does not address the acts or conduct of Ratko Mladić ("Accused").⁷ The Rule 92 *bis* witness packages of Witnesses Malkić, Hafizović

¹ Prosecution Seventh Motion to Admit Evidence Pursuant to Rule 92 *bis*, 5 October 2012.

² Supplementary Submission Concerning Prosecution's Seventh Motion to Admit Evidence Pursuant to Rule 92 *bis*, 10 October 2012.

³ Defence Response to Prosecution Seventh Motion to Admit Evidence Pursuant to Rule 92 *bis*, 18 October 2012.

⁴ The Defence did not address the missing pages in its Response.

⁵ Prosecution Request for Leave to Reply to Defence Response to Prosecution Seventh Motion to Admit Evidence Pursuant to Rule 92 *bis*, 25 October 2012; Prosecution Reply to Defence Response to Prosecution Seventh Motion to Admit Evidence Pursuant to Rule 92 *bis*, 25 October 2012.

⁶ Motion, para. 3.

⁷ Motion, paras 2, 5, 10-12, 14.

(Hanifa), Delić, Salčinović, Mešanović, Ibišević, Krdžić, Efendić, Malagić, Mehmedović (Salih), Mehmedović (Hana), Bektić, and Pašagić consist of their respective witness statements and one or more colour video stills.⁸ With regard to Gabeljić, the Prosecution seeks admission of a Rule 92 *bis* witness package that is comprised of two witness statements.⁹ It further submits that the associated exhibits comprise an “inseparable and indispensable part of the witnesses’ evidence”.¹⁰ With respect to Šifa Hafizović, the Prosecution seeks admission of a Rule 92 *quater* witness package that consists of two witness statements.¹¹

4. The Defence opposes the Motion on five grounds. First, the Defence submits that the respective statements of Witnesses Malkić, Hafizović (Hanifa), Delić, Salčinović, and Malagić are partially based on hearsay and thus these witnesses should be subjected to cross-examination.¹² Second, the Defence contests portions of the evidence of Witnesses Malkić, Hafizović (Hanifa), Mešanović, Gabeljić, and Krdžić as unreliable assertions or impermissible or unfounded opinions that should be subject to cross-examination.¹³ Third, it argues that Witness Salčinović’s evidence is not suitable for admission pursuant to Rule 92 *bis* of the Rules as it goes directly to the acts and conduct of the Accused.¹⁴ Fourth, the Defence asserts that the proffered testimony of Witnesses Efendić, Mehmedović (Salih), Mehmedović (Hana), Bektić, and Pašagić is essential to the case and that they should be subject to cross-examination.¹⁵ Fifth, it avers that the statements of Witnesses Malkić, Hafizović (Hanifa), Salčinović, Ibišević, and Efendić contain information that is outdated given that their statements are from the year 2000, and should not be relied upon without cross-examination.¹⁶

⁸ Motion, paras, 6, 8.

⁹ Motion, para. 30.

¹⁰ Motion, para. 8.

¹¹ Motion, paras 39-41. On the Summary Chart, the Prosecution incorrectly states that it seeks to have the evidence of Šifa Hafizović admitted pursuant to Rule 92 *bis* of the Rules and lists that it seeks to have admitted a statement given to the Sarajevo Cantonal Court whilst the statement was given to the Tuzla Cantonal Court.

¹² Response, paras 7-9.

¹³ Response, paras 10-12.

¹⁴ Response, paras 13-15.

¹⁵ Response, para. 16.

¹⁶ Response, paras 17-18.

III. APPLICABLE LAW

(a) Rule 92 bis

5. The Chamber recalls and refers to the applicable law governing the admission of evidence pursuant to Rule 92 *bis* of the Rules, as set out in a previous decision.¹⁷

(b) Rule 92 quater

6. The Chamber recalls and refers to the applicable law governing the admission of evidence pursuant to Rule 92 *quater* of the Rules, as set out in a previous decision.¹⁸

(c) Admission of Associated Exhibits

7. With regard to the applicable law related to the admission of associated exhibits, the Chamber recalls and refers to one of its previous decisions dealing with this matter.¹⁹

IV. DISCUSSION

(a) Preliminary matters

8. As a preliminary matter, the Chamber grants the Prosecution request to exceed the word limit in the Motion considering the number of witnesses that are concerned.

9. The Chamber notes that the Motion is not in compliance with the Chamber's Guidance in that Rule 92 *bis* motions should encompass no more than five to ten witnesses and should be filed two to three weeks after the previous Rule 92 *bis* Motion.²⁰ The Chamber notes, however, that the Defence did not object on these grounds and that it was able to respond to the Motion in a timely manner. The Chamber will therefore consider the merits of the Motion.

10. The Chamber will now assess the admissibility of the witnesses' evidence under Rule 92 *bis* and Rule 92 *quater* of the Rules.

¹⁷ Decision on Prosecution Third Motion to Admit Evidence Pursuant to Rule 92 *bis*: Sarajevo Witnesses ("Decision on Third 92 *bis* Motion"), 19 October 2012.

¹⁸ Decision on Prosecution Motion to Admit the Evidence of Witness RM-266 Pursuant to Rule 92 *quater*, 23 July 2012, paras 10-13.

¹⁹ Ibid.

²⁰ T. 108. The latter issue was subsequently rescinded by the Chamber on 12 October 2012, see T. 4057-4058.

(b) Rule 92 bis Witnesses: Malkić, Hafizović (Hanifa), Delić, Salčinović, Mešanović, Ibišević, Krdžić, Efendić, Gabeljić, Malagić, Mehmedović (Salih), Mehmedović (Hana), Bektić, and Pašagić

i. Attestations and Declarations

11. The respective statements taken at the Tuzla or Sarajevo Cantonal Court incorporate the statements given to the OTP investigator. All witnesses declared that the content of their statements taken at the Cantonal Courts are true and correct to the best of their knowledge and belief. The statements before the Cantonal Courts were taken before an investigative judge and the witnesses were advised to tell the truth, not to withhold any facts, and warned of the consequences of giving false testimony. In those statements, the witnesses declared that they fully stand by the content of their statements given to the OTP investigator. The Chamber finds that both the ICTY witness statements as well as the statements provided to the Cantonal Courts fulfill the requirements set out in Rule 92 bis (B) of the Rules.

ii. Relevance and Probative Value

12. The statements of Witnesses Malkić, Hafizović (Hanifa), Delić, Salčinović, Mešanović, Ibišević, Krdžić, Efendić, Gabeljić, Malagić, Mehmedović (Salih), Mehmedović (Hana), Bektić, and Pašagić relate to the crimes charged in Counts 2, 3, 7, and 8 of the Indictment, namely the forcible removal of women and children, the separation, detention and murder of men and boys, and the terrorisation of Bosnian Muslims.²¹

13. The focus of the evidence provided by the witnesses is on the separation from their family members and friends, the forced removal from their houses, and the losses they endured during or in the aftermath of the conflict. The evidence also deals with the impact that these incidents continue to have after the conflict.

14. With respect to the Defence objection on the basis that the statements of Witnesses Malkić, Hafizović (Hanifa), Delić, Salčinović, and Malagić are partially based on hearsay, the Chamber recalls that hearsay evidence is, in principle, admissible before the Tribunal and that the weight to be attributed to it will be assessed in light of all the evidence.²² As the source of knowledge is clear from the portions at issue, the Chamber considers that there is no need for redactions of the witness statements on these grounds.

²¹ Prosecution Submission of the Fourth Amended Indictment and Schedules of Incidents, 16 December 2011, Counts 2, 3, 7, and 8.

²² See *Prosecutor v. Aleksovski*, Case No. IT-95-14/I-AR73, Decision on Prosecutor's Appeal on Admissibility of Evidence, 16 February 1999, para. 15.

15. With regard to the Defence assertion that the statements of Witnesses Malkić, Hafizović (Hanifa), Gabeljić, and Krdžić contain indicia of unreliability, the Chamber notes that minor factual discrepancies do not necessarily affect the reliability of the statements. Furthermore, the Chamber considers the proffered evidence in light of the context in which it is given, rather than just specific parts of sentences. Based on the above, the Chamber finds that it is not necessary to redact the statements or call these witnesses for cross-examination on these grounds.

16. With regard to the statement of Witness Mešanović, the Defence submits that it would have been impossible for the witness to recognize her husband solely by viewing the back of his head. In her statement, Witness Mešanović states that she has seen the film from which the video still is taken and that she remembers seeing her husband on a stretcher several times. However, the Chamber has only been provided with the video still bearing Rule 65 *ter* no. 05763, at ERN 0619-8444, and is unable to conclude that Witness Mešanović would have been able to recognize her husband solely on the basis of this video still. Therefore, the Chamber does not find the evidence, as presented, suitable for admission pursuant to Rule 92 *bis* of the Rules and will deny without prejudice the admission of the materials of Witness Mešanović.

17. As to the Defence objection that the statements of Witnesses Malkić, Hafizović (Hanifa), and Krdžić make serious allegations of crimes on a very generic basis without sufficient information to enable the Defence to investigate and rebut them, the Chamber will carefully consider the weight to be attributed to such allegations but it does not consider that the statements as a whole lack reliability.

18. Concerning the Defence objection that the information contained in the statements of Witnesses Malkić, Hafizović (Hanifa), Salčinović, Ibišević, and Efendić is outdated, the Chamber considers that the respective statements provide relevant information to the instant case as to the prevailing circumstances at the time they were given, and does not consider that the year in which they were given in any way affects their reliability or are improper to be relied upon.

19. On the basis of the foregoing, the Chamber finds that the statements of Witnesses Malkić, Hafizović (Hanifa), Delić, Salčinović, Ibišević, Krdžić, Efendić, Gabeljić, Malagić, Mehmedović (Salih), Mehmedović (Hana), Bektić, and Pašagić are relevant and probative in accordance with Rule 89 (C) of the Rules.

iii. Admissibility Pursuant to Rule 92 bis of the Rules

20. With regard to the Defence objection concerning portions of Witness Salčinović's statement going to the acts and conduct of the Accused, the Chamber notes that the Prosecution, in its Reply, seeks to have a corrected version of Witness Salčinović's statement admitted into evidence, where evidence relating to the acts and conduct of the Accused is redacted.²³ The Chamber will consider this redacted statement of Witness Salčinović. With regard to admissibility pursuant to Rule 92 bis of the Rules of the remainder of the witnesses, the Defence has not argued, and the Chamber does not find that their evidence as submitted relates to the acts and conduct of the Accused.

21. The Defence contends that Witnesses Efendić, Mehmedović (Salih), Mehmedović (Hana), Bektić, and Pašagić provide evidence relating to critical events, such as the fighting in the Srebrenica enclave, the separation of men from women, and relevant events in Potočari, and should therefore be cross-examined.²⁴ However, the Chamber considers that the evidence of the witnesses listed above relates to the crime base part of the case and that other witnesses have provided evidence or are expected to provide evidence with regard to the similar incidents. This includes a non-exhaustive list of Witnesses Christine Schmitz, Joseph Kingori, Witness RM-291, and Witness RM-253. Christine Schmitz, a nurse and field coordinator of Médecins Sans Frontières in Srebrenica from June to July 1995, has already testified pursuant to Rule 92 ter of the Rules about the situation and conditions in Srebrenica and Potočari at that time, the movement of displaced people from Srebrenica to Potočari, and on the deportation of women, children, and old men in buses. Joseph Kingori, a United Nations Military Observer, who has provided evidence pursuant to Rule 92 ter of the Rules, has testified on the deportation and forcible transfer of Muslims from Srebrenica, the conditions in Srebrenica during the relevant time, and the expulsion of the population from Srebrenica. Further, Witness RM-291 is expected to provide testimony pursuant to Rule 92 ter of the Rules and will address relevant events in Potočari, including the conditions at the United Nations compound at Potočari on 11 July 1995, the separation of her husband, three sons, brother, and father-in-law, and the forcible separation of male Muslims from the group of civilians that had gathered in Potočari.²⁵ Witness RM-253, who is scheduled to testify pursuant to Rule 92 ter of the Rules, lived in Srebrenica and will provide evidence on the separation from his family and on the alleged mass-execution at a dam near Petkovci of which he is a survivor.²⁶ As is discussed in the previous section, there are no indications that the witness statements are unreliable. The

²³ Reply, Annex A, para. 6.

²⁴ Response, para. 16.

²⁵ Prosecution Rule 65 ter Witness List, 10 February 2012 (Confidential) ("Prosecution Witness List"), p. 368.

²⁶ Prosecution Witness List, pp. 429-430. The Chamber also expects to receive evidence pursuant to Rule 92 ter of the Rules on similar incidents from Witnesses RM-313, RM-324, and 332 (non-exhaustive list).

Chamber considers that there are no other factors which make it appropriate for the witnesses to attend for cross-examination.

22. For the above reasons, the statements of Witnesses Malkić, Hafizović (Hanifa), Delić, Salčinović, Ibišević, Krdžić, Efendić, Gabeljić, Malagić, Mehmedović (Salih), Mehmedović (Hana), Bektić, and Pašagić are admissible under Rule 92 *bis* of the Rules.

iv. Associated Exhibits

23. The Prosecution seeks the admission of a total of 21 associated exhibits to the respective witness statements. The Chamber will not address the admission of the associated exhibit which forms part of the statement of Witness Mešanović, since the Chamber has denied admission of the respective statements. All of the associated exhibits consist of video stills and the witnesses identify relatives or acquaintances reflected on these video stills in the respective witness statements. Therefore, the Chamber is of the view that the video stills are an inseparable and indispensable part of their statements. Further, the Chamber notes that some of the exhibits which form part of the Rule 92 *bis* witness packages of Hafizović (Hanifa), Delić, Salčinović, Krdžić, Efendić, Mehmedović (Salih), Mehmedović (Hana), and Pašagić are duplicative.²⁷ The Chamber will only admit an exhibit once. In light of the above, the Chamber will admit 16 of the associated exhibits into evidence.

(c) Rule 92 *quater* Witness: Šifa Hafizović

24. The Chamber has been provided with the death certificate of Witness Hafizović (Šifa) and is satisfied that she is deceased and therefore unavailable pursuant to Rule 92 *quater* of the Rules.

25. The Chamber notes that the statements of Witness Hafizović (Šifa) were neither given under oath nor subjected to cross-examination. Nevertheless, the statements were signed by Witness Hafizović (Šifa) with an accompanying acknowledgement that the statements are true to the best of the witness's recollection. They do not contain any internal inconsistencies and were taken with the assistance of an interpreter duly qualified and approved by the Registry of the Tribunal. Therefore, the Chamber considers, taking into account the circumstances in which the statements were made and recorded, that they are sufficiently reliable for the purposes of Rule 92 *quater* of the Rules. The

²⁷ Exhibit 13428 is tendered as part of the Rule 92 *bis* witness package of both Hafizović and Efendić; Exhibit 13432 is tendered as part of the Rule 92 *bis* witness package of both Hafizović and Salčinović; Exhibit 13431 is tendered as part of the Rule 92 *bis* witness package of both Delić and Pašagić; Exhibit 13439 is tendered as part of the Rule 92 *bis* witness package of both Krdžić and Pašagić; and Exhibits 13442 and 13443 are tendered as part of the Rule 92 *bis* witness package of both Mehmedović (Salih) and Mehmedović (Hana).

Chamber further considers that the proposed portions of Witness Hafizović's testimony do not go directly to the acts and conduct of the Accused.

26. With regard to the requirements of Rule 89 (C) of the Rules, the Chamber finds the evidence of Witness Hafizović (Šifa) relevant to the forcible removal of women and children and the separation from her husband after the fall of Srebrenica in July 1995. The Chamber therefore finds the evidence of Witness Hafizović (Šifa) relevant to Counts 2, 3 and 8.²⁸ Since reliability is a component part of the probative value of a piece of evidence, the Chamber considers that there is no need to re-examine the probative value where a determination of reliability has already been made within the context of Rule 92 *quater* (A) (ii) of the Rules.

27. Finally, the Defence has not invoked any factors against admission, and the Chamber does not find that there are any factors against admitting the proffered evidence pursuant to Rule 92 *quater* of the Rules. Based on the foregoing, the Chamber will admit the evidence of Witness Hafizović (Šifa).

V. DISPOSITION

28. For the foregoing reasons, pursuant to Rules 73, 89, 92 *bis*, and 92 *quater* of the Rules the Chamber

GRANTS the Prosecution request to exceed the word limit in its Motion;

GRANTS the Motion **IN PART**;

With respect to

(i) Witness Rahima Malkić (Witness RM-293)

ADMITS into evidence

- a) the statement of Rahima Malkić dated 17 June 2000, bearing ERNs 0100-3560-0100-3565 and the statement of Rahima Malkić before the Tuzla Cantonal Court dated 17 June 2000, bearing ERNs 0096-9195-0096-9196; and
- b) the colour video still taken from V000-0642, Rule 65 *ter* no. 13441.

²⁸ Indictment, Counts 2, 3, and 8.

(ii) Witness Hanifa Hafizović (Witness RM-250)

ADMITS into evidence

- a) the statement of Hanifa Hafizović dated 16 June 2000, bearing ERNs 0100-3532-0100-3537 and the statement of Hanifa Hafizović before the Tuzla Cantonal Court dated 16 June 2000, bearing ERNs 0096-8615-0096-8616;
- b) the colour video still taken from V000-0642, Rule 65 *ter* no. 13438;
- c) the colour video still taken from V000-0642, Rule 65 *ter* no. 13433; and
- d) the colour video still taken from V000-0642, Rule 65 *ter* no. 13432.

(iii) Witness Husein Delić (Witness RM-227)

INSTRUCTS the Prosecution to upload into eCourt the missing page of the BCS version of the statement of Husein Delić before the Sarajevo Cantonal Court.

ADMITS into evidence

- a) the statement of Husein Delić dated 21 June 2000, bearing ERNs 0100-3647-0100-3651 and the statement of Husein Delić before the Sarajevo Cantonal Court dated 21 June 2000, bearing ERNs 0096-9193-0096-9194; and
- b) the colour video still taken from V000-0642, Rule 65 *ter* no. 13431.

(iv) Witness Samila Salčinović (Witness RM-345)

ADMITS into evidence

- a) the redacted version of the statement of Samila Salčinović dated 18 June 2000, bearing ERNs 0100-3588-0100-3593 and the statement of Samila Salčinović before the Tuzla Cantonal Court dated 18 June 2000, bearing ERNs 0096-9197-0096-9198;
- b) the colour video still taken from V000-0642, Rule 65 *ter* no. 13429;
- c) the colour video still taken from V000-0642, Rule 65 *ter* no. 13444; and
- d) the colour video still taken from V000-0642, Rule 65 *ter* no. 05763, at ERN 0619-8447.

(v) Witness Mejra Mešanović (Witness RM-302)

DENIES the admission of the proffered evidence of Mejra Mešanović under Rule 92 *bis* of the Rules.

(vi) Witness Šehra Ibišević (Witness RM-259)

INSTRUCTS the Prosecution to upload into eCourt the missing page of the BCS version of the statement of Šehra Ibišević before the Sarajevo Cantonal Court;

ADMITS into evidence

- a) the statement of Šehra Ibišević dated 19 June 2000, bearing ERNs 0100-3628-0100-3633 and the statement of Šehra Ibišević before the Sarajevo Cantonal Court dated 21 June 2000, bearing ERNs 0096-8629-0096-8631; and
- b) the colour video still taken from V000-0642, Rule 65 *ter* no. 13446.

(vii) Witness Behara Krdžić (Witness RM-283)

ADMITS into evidence

- a) the statement of Behara Krdžić dated 16 June 2000, bearing ERNs 0100-3509-0100-3513 and the statement of Behara Krdžić before the Tuzla Cantonal Court dated 16 June 2000, bearing ERNs 0096-8644-0096-8645; and
- b) the colour video still taken from V000-0642, Rule 65 *ter* no. 13439.

(viii) Witness Nura Efendić (Witness RM-232)

INSTRUCTS the Prosecution to upload into eCourt the missing page of the BCS version of the statement of Nura Efendić before the Sarajevo Cantonal Court, bearing ERN 0100-3645;

ADMITS into evidence

- a) the statement of Nura Efendić dated 21 June 2000, bearing ERNs 0100-3637-0100-33 and the statement of Nura Efendić before the Sarajevo Cantonal Court dated 21 June 2000, bearing ERNs 0096-8611-0096-8612; and
- b) the colour video still taken from V000-0642, Rule 65 *ter* no. 13438.

(ix) Witness Mirsada Gabeljić (Witness RM-240)

ADMITS into evidence the statement of Mirsada Gabeljić dated 18 June 2000, bearing ERNs 0100-3581-0100-3585 and the statement of Mirsada Gabeljić before the Sarajevo Cantonal Court dated 18 June 2000, bearing ERNs 0096-8613-0096-8614.

(x) Witness Amer Malagić (Witness RM-290)

ADMITS into evidence

- a) the statement of Amer Malagić dated 19 June 2000, bearing ERNs 0100-3619-0100-3624 and the statement of Amer Malagić before the Tuzla Cantonal Court dated 15 June 2000, bearing ERNs 0096-8646-0096-8647; and
- b) the colour video still taken from V000-0642, Rule 65 *ter* no.13445.

(xi) Witness Salih Mehmedović (Witness RM-299)

ADMITS into evidence

- a) the statement of Salih Mehmedović dated 15 June 2000, bearing ERNs 0100-3498-0100-3504 and the statement of Salih Mehmedović before the Tuzla Cantonal Court dated 15 June 2000, bearing ERNs 0096-8653-0096-8654;
- b) the colour video still taken from V000-0642, Rule 65 *ter* no. 13442; and
- c) the colour video still taken from V000-0642, Rule 65 *ter* no. 13443.

(xii) Witness Hana Mehmedović (Witness RM-296)

ADMITS into evidence the statement of Hana Mehmedović dated 17 June 2000, bearing ERNs 0100-3569-0100-3576 and the statement of Hana Mehmedović before the Tuzla Cantonal Court dated 17 June 2000, bearing ERNs 0096-9379-0096-9381.

(xiii) Witness Mevlida Bektić (Witness RM-211)

ADMITS into evidence

- a) the statement of Mevlida Bektić dated 16 June 2000, bearing ERNs 0100-3517-0100-3521 and the statement of Mevlida Bektić before the Tuzla Cantonal Court dated 16 June 2000, bearing ERNs 0096-9377-0096-9378; and

b) the colour video still taken from V000-0642, Rule 65 *ter* no. 13440.

(xiv) Witness Razija Pašagić (Witness RM-327)

ADMITS into evidence the statement of Razija Pašagić dated 16 June 2000, bearing ERNs 0100-3488-0100-3493 and the statement of Razija Pašagić before the Tuzla Cantonal Court dated 16 June 2000, bearing ERNs 0096-9384-0096-9385.

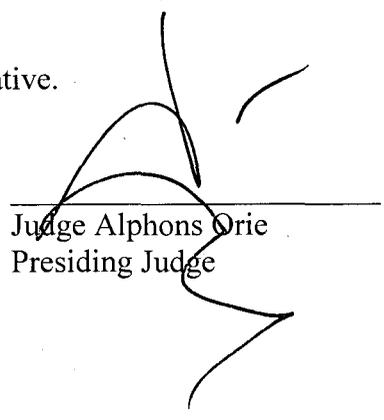
(xv) Witness Šifa Hafizović (Witness RM-251)

ADMITS into evidence the statement of Šifa Hafizović dated 16 June 2000, bearing ERNs 0100-3525-0100-3529 and the statement of Šifa Hafizović before the Sarajevo Cantonal Court dated 16 June 2000, bearing ERNs 0096-8617-0096-8618;

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

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

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



Judge Alphons Orié
Presiding Judge

Dated this sixth day of February 2013
At The Hague
The Netherlands

[Seal of the Tribunal]