

IT-09-92-T  
Džokić - Džokić  
28 January 2014

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**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: 28 January 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:** 28 January 2014

**PROSECUTOR**

v.

**RATKO MLADIĆ**

***PUBLIC***

**DECISION ON PROSECUTION MOTION FOR ADMISSION  
OF DOCUMENTS FROM THE BAR TABLE  
(SARAJEVO DOCUMENTS AND DOCUMENTS  
OF GENERAL RELEVANCE)**

**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 30 September 2013, the Prosecution filed a motion requesting the admission of documents from the bar table ("Motion").<sup>1</sup> On 14 October 2013, the Defence requested additional time to file its response, which the Chamber granted on 17 October 2013, setting the new deadline of 28 November 2013.<sup>2</sup> The Defence filed a response on 28 November 2013 objecting to the Motion in its entirety ("Response").<sup>3</sup>

2. The Prosecution requests the admission of 65 documents ("Documents") from the bar table.<sup>4</sup> It submits that thirteen of these documents relate to matters of general relevance to the case, whereas the remainder of the documents relates to the Sarajevo charges.<sup>5</sup> The Prosecution further requests the Chamber to take judicial notice of the authenticity of six of these documents.<sup>6</sup>

## II. APPLICABLE LAW

3. The Chamber recalls and refers to the applicable law governing the admission of documents from the bar table and the taking of judicial notice as set out in previous decisions.<sup>7</sup>

## III. DISCUSSION

4. At the outset, the Chamber notes that, in spite of the Chamber's guidance of 10 November 2011, the Defence did not make specific submissions regarding each individual document included in the Motion but reverted to providing general submissions accompanied by examples.<sup>8</sup> As a consequence, the Chamber can and will, in general, only address these submissions and examples listed by the Defence.

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<sup>1</sup> Prosecution Motion to Admit Evidence from the Bar Table: Materials Related to the Siege of Sarajevo and Other Material of General Relevance, 30 September 2013 (with Confidential Annex A).

<sup>2</sup> Defence Motion for Enlargement of Time to Respond to "Prosecution Motion to Admit Evidence from the Bar Table: Materials Related to the Siege of Sarajevo and Other Material of General Relevance", 14 October 2013; T. 18018-18021.

<sup>3</sup> Defence Response in Opposition to "Prosecution Motion to Admit Evidence from the Bar Table: Materials Related to the Siege of Sarajevo and Other Material of General Relevance", 28 November 2013.

<sup>4</sup> Motion, para. 1. One of the documents subject to the Motion was marked for identification and some documents were marked not admitted; they are identified in this decision as "MFI" and "MNA", respectively.

<sup>5</sup> Motion, para. 2. The 13 documents bear Rule 65 *ter* numbers 36, 67, 2272, 6928, 9706, 10657, 10671, 17471, 20781, 20782, 20784, 26161, and P771 (MNA).

<sup>6</sup> Motion, paras. 3, 13, 15 (a) and Confidential Annex A, pp. 19-22, 34-36. The request concerns the documents bearing Rule 65 *ter* numbers 3781, 12110, 12145, 14163, P15 (MFI), and P771 (MNA).

<sup>7</sup> Decision on Prosecution's Bar Table Motion for the Admission of Intercepts: Srebrenica Segment, 2 May 2013, paras 7-10; Decision on Prosecution First Motion to Admit Evidence from the Bar Table Mladić Notebooks, 25 September 2012 ("Mladić Notebooks Decision"), paras 5, 12.

5. The Chamber notes that a number of the documents had initially been tendered as associated exhibits to statements of witnesses. The Chamber, at that time, determined that the statements were comprehensible without the documents in question, and therefore denied their admission into evidence without prejudice. The Chamber clarifies that the Prosecution's subsequent request for their admission from the bar table – i.e. through the Motion – does *not* entail a request for reconsideration of an earlier decision. Therefore, in relation to these documents, as well as all other documents subject of the Motion, the Chamber has applied the standard test for the admission of evidence from the bar table.

A. Judicial Notice pursuant to Rule 94 (B)

6. Pursuant to Rule 94 (B), the Prosecution requests the Chamber to take judicial notice of the authenticity of the documents bearing Rule 65 *ter* numbers 3781, 12110, 12145, 14163, P15 (MFI), and P771 (MNA).<sup>9</sup> The Chamber recalls that, before taking judicial notice of the authenticity of documentary evidence pursuant to Rule 94 (B), the Chamber must be satisfied that the documents were admitted into evidence in prior proceedings and that their authenticity was explicitly discussed prior to admission.<sup>10</sup> The Prosecution has not provided the Chamber with relevant details or transcript references from previous trials to enable the Chamber to consider whether or to what extent the authenticity of each document was discussed in those previous proceedings. In the absence of the aforementioned information, the Chamber denies the Motion in this respect.

B. Documents that relate to “topics and areas outside the scope of the Indictment”

7. The Chamber notes the Defence's objection that “[c]ertain of the documents sought for admission under the Prosecution Motion relate almost entirely or significantly to topics and areas that are outside the scope of the Indictment against Mr. Mladic.”<sup>11</sup> The Defence refers in this respect to the documents bearing Rule 65 *ter* numbers 6928, 26151, 10083, and P1113 (MNA).<sup>12</sup>

8. In relation to the document bearing Rule 65 *ter* number 6928, the Chamber notes that this document, dated 6 June 1992, relates to the charges of forcible transfer from 12 May 1992 onwards

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<sup>8</sup> T. 109-110; See Decision on Prosecution Motion for Admission of Documents from the Bar Table, 19 July 2013, para. 10.

<sup>9</sup> Motion, paras. 3, 13, 15 (a) and Confidential Annex A, pp. 19-22, 34-36.

<sup>10</sup> Mladic Notebooks Decision, paras. 5, 7.

<sup>11</sup> Response, paras 11-12.

<sup>12</sup> Motion, Confidential Annex A, pp. 1, 33.

in Bosnia-Herzegovina, including in the areas of Banja Luka, Ključ, Prijedor and Sanski Most.<sup>13</sup> The Chamber finds that this document is relevant and probative, and that the Prosecution has shown with sufficient clarity and specificity how it fits into its case.

9. In relation to the document bearing Rule 65 *ter* number 26151, the Chamber notes that on the one hand, the Defence argues that it relates “almost entirely or significantly to topics and areas that are outside the scope of the Indictment” while on the other hand it argues that it is “of such significance that they should be lead [sic] through a witness rather than being submitted from the Bar Table”.<sup>14</sup> The Chamber observes that this document includes a statement from General Ramsey in October 1993, in which Mladić would have told him to convey to General Delić that “unless 22 Serb POW [sic] were released by 10 November, the [Bosnian Serb Army] would kill every man in Gorazde; only the women, children and the sick would be spared, but all others would die. The same awaited the Muslens [sic] in Zepa too”.<sup>15</sup> The Chamber observes that the document concerns an event that may be relevant to the state of mind of the Accused which allegedly occurred during the Indictment period. It considers that the document is relevant pursuant to Rule 89 (C) of the Rules. The Chamber further observes that the content of this document does not stand in a void. The aforementioned information was discussed in detail by witness David Harland, and appears to closely correspond to a Defence exhibit admitted as exhibit D7, which states “[p]erhaps in an effort to regain centre stage, Mladic has been very vocal recently. One issue which he is following, and on which he is striking a strong posture, is that of the 22 Serb POWs being held in the Gorazde pocket. In a meeting with the UNPROFOR Chief of Staff recently he threatened, among other things, to kill everyone in the eastern enclaves (except for the children) unless the POWs were not returned by 10 November.”<sup>16</sup> In light of the cumulative nature of the proposed exhibit to David Harland’s testimony<sup>17</sup> as well as to the content of Defence exhibit D7, the Chamber does not consider that its probative value is outweighed by the need to ensure a fair trial pursuant to Rule 89 (D). The Chamber is satisfied that the Prosecution has shown with sufficient clarity and specificity (i) the relevance and probative value of this document, and (ii) how it would fit into its case.

<sup>13</sup> See Indictment paras 47, 59 (f), and 72.

<sup>14</sup> Response, paras 15-17.

<sup>15</sup> Document bearing Rule 65 *ter* number 26151, pp. 2-3.

<sup>16</sup> Exhibit D7, p. 6.

<sup>17</sup> See T. 688 and further.

10. In relation to the document bearing Rule 65 *ter* number 10083 and P1113 (MNA),<sup>18</sup> the Chamber observes that these documents relate to unscheduled sniping incidents in 1994 in and around Sarajevo. The Chamber notes that the Indictment specifies that the incidents in Schedules F and G to the Indictment are “illustrative examples” of the acts of shelling and sniping underlying these charges.<sup>19</sup> The Chamber considers that these documents are relevant to the Sarajevo charges in the Indictment, particularly to counts 9 and 10 which relate to the alleged campaign of terror and unlawful attacks against the civilian population of Sarajevo between 1992 and 1995. The documents purport to show that the sniping incidents described in these documents came from positions allegedly held by the VRS/SRK. Specifically, the Prosecution argues that the sniping position described in P1113 (MNA) was also used to commit another sniping incident as described in Schedule G to the Indictment.<sup>20</sup> The Chamber is satisfied that the Prosecution has shown with sufficient clarity and specificity (i) the relevance and probative value of these documents, and (ii) how they would fit into its case.

C. Documents going to the acts and conduct of the Accused not tendered through witnesses

11. The Defence submits that some of the proffered documents should be led through a witness as they go to direct acts or comments or the intent of General Mladić, or his meetings with third parties, including witnesses in these proceedings who were not asked about the same”.<sup>21</sup> The Defence submits that “it is necessary to gain the proper contextualization and basis from the witnesses with knowledge of the same in order to gauge properly the reliability of the same”.<sup>22</sup> The Defence refers in this respect to the documents bearing Rule 65 *ter* numbers 67, 154, 623, 698, 1016, 1141, 10657, 12145, 20781, 20782, 20784, as well as P1111 (MNA).<sup>23</sup>

12. First, the Chamber considers that the Defence argument is of a very general nature. Documents may be admitted from the bar table. While the Chamber has encouraged the Prosecution to tender documents through witnesses, this does not mean that documents which could have been tendered through witnesses may not be tendered from the bar table at a later stage. The Chamber

<sup>18</sup> The Chamber notes that P1113 (MNA) was tendered through Ekrem Suljević as an associated exhibit, but denied without prejudice as the statement of the witness was understandable without admission of this particular exhibit.

<sup>19</sup> Indictment, para. 81.

<sup>20</sup> Motion, Confidential Annex A, pp. 30-31 (item 50).

<sup>21</sup> Response, paras 15-16.

<sup>22</sup> Ibid.

<sup>23</sup> Response, para. 17. The Chamber notes that the Defence referred to the document bearing Rule 65 *ter* number 20784 as “#20783”, see para. 17 (j). The Chamber further notes that the Defence also listed the document bearing Rule 65 *ter* number 26151 in this category, but notes that the Chamber has already addressed admission of this

will hold the Prosecution to admission standards maintained by the Tribunal for admission of evidence from the bar table. This standard does not include a requirement that documents that could have been tendered through witnesses may not be admitted into evidence. If the content of a particular document is of such a prejudicial nature that its admission should be rejected on the basis of Rule 89 (D), it is for the Defence to make detailed submissions in this respect. Nonetheless, the Chamber has examined each individual document to determine whether in its view admission from the bar table would cause unfair prejudice to the Accused.

13. In relation to the documents bearing Rule 65 *ter* numbers 67, 154, 623, 698, 1016, 1141, 10657, and 12145, the Chamber considers that it would have been preferable for them to have been tendered through witnesses in this case. Their contents largely relate to the interactions between UNPROFOR and the Accused concerning events related to the siege of Sarajevo and/or the conduct of (members of) the VRS/SRK as observed by UNPROFOR in Bosnia-Herzegovina during the relevant time period. Lastly, these documents include observations by members of UNPROFOR relevant to the extent of command and control that the Accused would have exercised over the VRS/SRK during the relevant time period. The Chamber does not find, however, that the above precludes their admission into evidence from the bar table or would cause unfair prejudice to the Accused. The Chamber observes that the Defence did not challenge the authenticity of these documents. Overall, the Chamber is satisfied that the Prosecution has shown with sufficient clarity and specificity (i) the relevance and probative value of these documents, and (ii) how they would fit into its case.

14. In relation to documents bearing Rule 65 *ter* numbers 20781, 20782, and 20784,<sup>24</sup> the Defence has additionally argued that they “purport to be intercepts that were collected from the AID Sarajevo” and it “maintains its prior objection to any intercepts, as their authenticity and reliability has not been proven.”<sup>25</sup> The Chamber notes that the Defence does not object to the relevance of these documents. In the absence of any specific objections regarding the authenticity of these documents, the Chamber is not satisfied that such a general challenge to intercepts or their source in the abstract is sufficient to challenge the authenticity of these documents. Having considered these intercepts, which the Prosecution received from the agency for investigation and

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document in para. 9 of this decision. Similarly, the Chamber notes that the document bearing Rule 65 *ter* number 5735 has been discussed in para. 19 of this decision.

<sup>24</sup> Response, para. 17. The Chamber notes that the Defence referred to the document bearing Rule 65 *ter* number 20784 as “#20783”, see para. 17 (j).

<sup>25</sup> Response, paras 19-20.

documentation (AID) in Sarajevo and for which the original audio recordings have been made available to the Defence, the Chamber is satisfied regarding their *prima facie* authenticity for the purpose of admission into evidence from the bar table pursuant to Rule 89 (C). The Chamber further notes that these documents had been tendered by the Prosecution from the bar table on 7 May 2013, but that at that time no translation was available which caused the Chamber to deny their admission into evidence without prejudice.<sup>26</sup> The Chamber observes that their translation has now been uploaded into eCourt. It further finds that the Prosecution has shown with sufficient clarity and specificity (i) the relevance and probative value of these documents, and (ii) how they would fit into its case.

15. Lastly, in relation to P1111 (MNA), the Chamber notes that it had denied admission of this document as an associated exhibit to Ekrem Sulkević's statement, without prejudice.<sup>27</sup> It observes that the Defence does not contest the document's relevance. The Chamber finds that this document, a report describing a shelling incident on 18 July 1995, does not go "to direct acts or comments or the intent of General Mladić, or his meetings with third parties", as the Defence argues.<sup>28</sup> The Chamber concludes that the Prosecution has shown with sufficient clarity and specificity (i) the relevance and probative value of this document, and (ii) how it would fit into its case.

#### D. Documents that originate from witnesses who testified in this case

16. The Defence argues that for several documents their source is a witness who testified at trial, which it argues prevented it from having a fair opportunity to challenge the documents with the witness and seek an explanation thereof.<sup>29</sup> The Defence refers in this context to the documents bearing Rule 65 *ter* numbers 15891, 15892, 15893, 19078, 19079, 19080, 19081, and 19082. It does not raise specific challenges in relation to the relevance or authenticity of these documents.

17. At the outset, the Chamber considers that the documents in this category were all timely noticed to the Defence as associated exhibits to statements of witnesses who gave testimony in court. In essence, the documents *were* put to the witnesses in question; while they were not

<sup>26</sup> Prosecution Motion to Admit Evidence from the Bar Table: Mladić's Statements Indicating Genocidal and Persecutory Intent, filed with Public Annex A, 7 May 2013; Decision on Prosecution Motion for Admission of Documents from the Bar Table, 19 July 2013.

<sup>27</sup> T. 15004.

<sup>28</sup> Response, paras 15-17. The Chamber notes the Defence argument is premised on the fact that another document (P105) is in evidence which contains statements allegedly made by Mladić during a phone conversation held in 1992, of which the Prosecution argues that they are related to the 1995 shelling incident described in P1111 (MNA).

<sup>29</sup> Response, para. 6.

physically shown to the witnesses in court, the documents and the topics they relate to were discussed by the witnesses in their statements, explicitly referring to the documents in question, often in detail with extensive verbatim references to contested passages in the document. Therefore, the Chamber finds the Defence argument that it was not provided a fair opportunity to challenge the documents with the witnesses through whom the Prosecution initially tendered them unmeritorious.

18. In relation to the documents bearing Rule 65 *ter* numbers 15891, 15892, and 15893, the Chamber recalls that it denied their admission into evidence as associated exhibits to witness Pyers Tucker's statement as they did not form an inseparable or indispensable part of it, and directed the Prosecution to either submit these documents through another witness or from the bar table at a later stage.<sup>30</sup> Similarly, the Chamber denied admission of the documents bearing Rule 65 *ter* numbers 19078 to 19082 as associated exhibits to witness Thomas's statement, without prejudice.<sup>31</sup> The Chamber notes that the documents in question are UNMO situation reports that were provided to the Prosecution by witness Richard Mole, and for which the UNHQ gave its clearance pursuant to Rule 70 in 1997 and 2001 – which the Prosecution submits provides further support that the documents are authentic.<sup>32</sup> The Chamber observes that the documents were timely noticed to the Defence as associated exhibits to the witness's statements, and that they relate to observations by UNMO of shelling in the Sarajevo area during the relevant time period. The Chamber is satisfied that the Prosecution has shown with sufficient clarity and specificity (i) the relevance and probative value of these documents, and (ii) how they would fit into its case.

19. In relation to the document bearing Rule 65 *ter* number 5735, the Chamber notes that this document was tendered through witness Rupert Smith, but that the Chamber denied its admission without prejudice as the statement of the witness was comprehensible without admission of this document.<sup>33</sup> The Defence did not specifically object to the relevance or authenticity of this document. The Chamber notes that the Defence discussed this document under another objection,<sup>34</sup> but in light of the aforementioned the Chamber finds it appropriate to discuss admission of this document here. The Chamber observes that the document makes reference to a meeting held on 22 August 1995 in which Mladić would have stated that "I am a war criminal but you have to talk to

<sup>30</sup> Decision on Prosecution's Motion for Reconsideration, Granting Admission from the Bar Table or Certification in Relation to Decision Regarding Associated Exhibits of Witness Tucker, 7 February 2013, para. 9.

<sup>31</sup> T. 9411-9413.

<sup>32</sup> See Motion, Confidential Annex, pp. 18-19 (items 33-34).

<sup>33</sup> See T.14472-14473. The Chamber notes that admission of this document was not marked as such in eCourt.

<sup>34</sup> See Response, para. 17.



me as I am the only one who can allow you to leave Goražde”.<sup>35</sup> It further notes that Rupert Smith, in his statement admitted as exhibit P785, made detailed observations in relation to the specific meeting described in the document bearing Rule 65 *ter* number 5735, and that he specifically referred and attested to the veracity of the statements made therein.<sup>36</sup> In fact, some of the text of the proposed document was literally copied into exhibit P785, including the exact statement referred to above. The Chamber notes that the Defence did not cross-examine the witness in relation to the 22 August 1995 meeting described in exhibit P785. The Chamber is satisfied that the Prosecution has shown with sufficient clarity and specificity (i) the relevance and probative value of this document, and (ii) how it would fit into its case.

E. Documents not previously tendered by the Prosecution as a result of adjudicated facts

20. The Defence submits that for “other documents, the Prosecution did not tender them through witnesses in reliance upon adjudicated facts. It should recall the witnesses now that the Appeals Chamber has ruled certain adjudicated facts improper, rather than introducing documents without any explanation or ability of the defence to confront.”<sup>37</sup> The Defence only submits one document in support of its submission, namely the document bearing Rule 65 *ter* number 12940. It does not raise a specific challenge to its relevance or authenticity.

21. First, as stated above, the fact that a document could have been tendered through a witness does not mean it may not be tendered from the bar table at a later stage. The Chamber observes that the document in question is a 51-page investigative report regarding the bombing of Geteova Street 5, Sarajevo, on 28 June 1995. The incident described in this report is specified in Witness RM-110’s statement, admitted as P492.<sup>38</sup> Regarding the latter, the Chamber notes that the Prosecution mentioned in court that Witness RM-110’s statement contained evidence on the Geteova street incident of 28 June 1995, but submitted it refrained from leading further evidence on this incident as it formed part of the adjudicated facts.<sup>39</sup> The Chamber recalls that adjudicated facts of which judicial notice is taken are rebuttable presumptions that may be disproved by the opposing party through the presentation of evidence at trial.<sup>40</sup> It observes that the Defence, during cross-

<sup>35</sup> Document bearing Rule 65 *ter* number 5735, p. 2.

<sup>36</sup> See exhibit P785, paras 189-196.

<sup>37</sup> Response, paras 8-9.

<sup>38</sup> See P492 (Witness RM-110, amalgamated witness statement, 1 November 2010), paras 22-23.

<sup>39</sup> T.4890-4891, 4897-4898.

<sup>40</sup> Prosecutor v. Édouard Karemera et al. Case No. ICTR-98-44-AR73(C), Decision on Prosecutor's Interlocutory Appeal of Decision on Judicial Notice, 16 June 2006, para. 42; Prosecutor v. Slobodan Milošević, Case No. IT-02-54-AR73.5, Decision on the Prosecution's Interlocutory Appeal Against the Trial Chamber's 10 April 2003

examination, did not question Witness RM-110 on this incident – despite the fact that it formed part of his statement. More importantly, it is unclear to the Chamber what the Defence challenges in relation to the document bearing Rule 65 *ter* number 12940, and what it believes Witness RM-110 could add in relation to this report.<sup>41</sup> For these reasons, the Chamber sees no justification for an order to recall Witness RM-110 on this document. The Chamber is satisfied that the Prosecution has shown with sufficient clarity and specificity (i) the relevance and probative value of this document, and (ii) how it would fit into its case.

F. Remaining documents to which no specific challenge has been raised

22. The Chamber notes that on 16 July 2012, it marked P15 for identification, and on 23 May 2013, it denied admission of P771 and P820 as associated exhibits to Witness Roses's statement, without prejudice.<sup>42</sup> The Chamber finds that these documents are relevant and probative, and that the Prosecution has shown with sufficient clarity and specificity how they fit into its case.

23. In relation to the documents bearing Rule 65 *ter* numbers 3509a and 17471, the Chamber notes that it denied their admission into evidence as associated exhibits to witness Rupert Smith's statement, without prejudice.<sup>43</sup> Similarly, it denied admission of P1097, P1104, P1105 and P1106 as associated exhibits to Ekrem Suljević's statement without prejudice.<sup>44</sup> The Chamber is satisfied that the Prosecution has shown with sufficient clarity and specificity (i) the relevance and probative value of these documents, and (ii) how they would fit into its case.

24. In relation to the documents bearing Rule 65 *ter* numbers 14163 and 3824, the Chamber finds that these documents are relevant and probative, and that the Prosecution has shown with sufficient clarity and specificity how they fit into its case. However, the Chamber instructs the Prosecution to upload a BCS translation of the document bearing Rule 65 *ter* number 14163 in eCourt, and instructs it to upload a revised English translation of the document bearing Rule 65 *ter*

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Decision on Prosecution Motion for Judicial Notice of Adjudicated Facts, 28 October 2003, p. 4; Prosecutor v. Dragomir Milošević, Case No. IT-98-29/I-AR73.1 Decision on Interlocutory Appeals 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, para. 16.

<sup>41</sup> See Response, para. 10a, which merely states "#12940 (as to RM110)".

<sup>42</sup> These documents bear Rule 65 *ter* numbers 10822 (P15 [MFI]) and 8157 (P771). Motion, Confidential Annex A, pp. 19-21 (items 35 and 36). For P15 (MFI) see T. 911-913, 923, 15100-15104, 17442-17443. The Chamber notes that the transcript for T. 2042 erroneously states that, in reference to the document bearing Rule 65 *ter* number 28058, that "P15 is admitted into evidence", and that it should have read "P156 is admitted into evidence". For P771 (MNA) and P780 (MNA), see T. 9410-9411.

<sup>43</sup> T. 14472-14473.

<sup>44</sup> T. 15004.

number 3824, as it does not fully correspond to the BCS version of the document (see the name “Kisić” in the BCS original versus the name “Krstić” in the corresponding English translation).

25. In relation to the remaining documents, the Chamber is satisfied that the Prosecution has shown with sufficient clarity and specificity the relevance and probative value of these documents, and how they would fit into its case.

26. Lastly, the Chamber notes that the Prosecution has not indicated whether any of the documents should be confidential. Out of an abundance of caution, the Chamber instructs the Prosecution to review whether any of the documents admitted per this decision should have their status changed to confidential.

#### IV. DISPOSITION

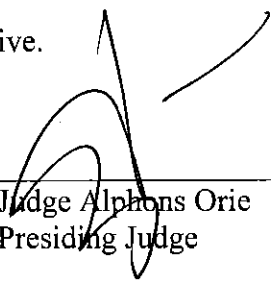
27. For the foregoing reasons, pursuant to Rule 89 of the Rules, the Chamber

- (i) **GRANTS** the Motion **IN PART**;
- (ii) **ADMITS** into evidence the following documents: Rule 65 *ter* numbers 67, 154, 623, 698, 1016, 1141, 3357, 3509a, 3770a, 3781, 3824, 5735, 6928, 9971, 10083, 10154, 10549, 10551, 10552, 10554, 10555, 10556, 10557, 10558, 10559, 10564, 10625, 10627, 10628, 10629, 10657, 10976, 11244, 11169, 12110, 12145, 12940, 13742, 14163, 15891, 15892, 15893, 17471, 19078, 19079, 19080, 19081, 19082, 19202, 19298, 20781, 20782, 20784, 26151, 28528a, 28552, as well as P15, P771, P820, P1097, P1104, P1105, P1106, P1111, and P1113;
- (iii) **INSTRUCTS** the Prosecution to review the public status of the documents admitted;
- (iv) **INSTRUCTS** the Prosecution to upload a BCS translation of the document bearing Rule 65 *ter* number 14163 and to upload a corrected version of the English translation of the document bearing Rule 65 *ter* number 3824 in accordance with paragraph 22 of this Decision;
- (v) **REQUESTS** the Registry to add the BCS version to the document bearing Rule 65 *ter* number 14163 and to replace the old translation of the document bearing Rule 65 *ter* number 3824 in eCourt once they have been uploaded by the Prosecution;

7/26/14

- (vi) **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; and
- (vii) **DENIES** the remainder of the Motion.

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



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Judge Alphons Orié  
Presiding Judge

Dated this twenty-eighth day of January 2014  
At The Hague  
The Netherlands

[Seal of the Tribunal]