



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-08-91-T  
Date: 21 March 2013  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Burton Hall, Presiding  
Judge Guy Delvoie  
Judge Frederik Harhoff

**Registrar:** Mr. John Hocking

**Decision of:** 21 March 2013

**PROSECUTOR**

**v.**

**MIĆO STANIŠIĆ AND STOJAN ŽUPLJANIN**

***PUBLIC***

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**DECISION GRANTING PROSECUTION MOTION  
REQUESTING PUBLIC REDACTED VERSION OF  
TRIAL CHAMBER'S DECISION OF 19 JANUARY 2011**

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**The Office of the Prosecutor**

Mr. Douglas Stringer  
Mr. Matthew Olmsted  
Mr. Alexis Demirdjian

**Counsel for the Accused**

Mr. Slobodan Zečević and Mr. Slobodan Cvijetić for Mićo Stanišić  
Mr. Dragan Krgović and Mr. Aleksandar Aleksić for Stojan Župljanin

**TRIAL CHAMBER II** (“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”);

**BEING SEISED OF** the “Prosecution Motion to Request Public Redacted Version of the Trial Chamber’s Rule 92 *quater* Decision of 19 January 2011”, filed confidentially on 18 March 2013 (“Motion”);

**NOTING** that the Motion requests that the Trial Chamber issue a public redacted version of its “Decision Granting In Part Prosecution’s Motion for Admission of Evidence of ST020 Pursuant to Rule 92*quater*”, issued confidentially on 19 January 2011 (“Decision”);

**NOTING** that since the request does not prejudice the Defence, the Trial Chamber need not, in the present circumstances, await a response;

**CONSIDERING** that the safety and security concerns of the witnesses named in the Decision would be sufficiently addressed by redacting any reference to identifying information therein pursuant to Rule 75 of the Rules of Procedure and Evidence (“Rules”);

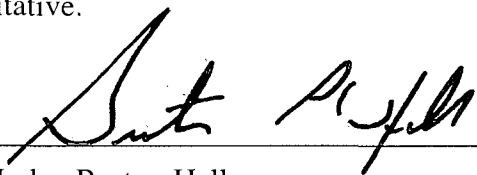
**CONSIDERING** that it is in interests of justice to make available a public version of the Decision;

**PURSUANT TO** Rule 54 of the Rules;

**HEREBY GRANTS** the Motion;

**ORDERS** the Registry to issue the attached redacted version of the Decision publicly.

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

  
\_\_\_\_\_  
Judge Burton Hall  
Presiding

Dated this twenty-first day of March 2013

At The Hague

The Netherlands

[Seal of the Tribunal]

**UNITED  
NATIONS**

International Tribunal for the Prosecution of  
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v.

**MIĆO STANIŠIĆ AND STOJAN ŽUPLJANIN*****PUBLIC REDACTED VERSION***

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**DECISION GRANTING IN PART PROSECUTION'S  
MOTION FOR ADMISSION OF EVIDENCE  
OF ST020 PURSUANT TO RULE 92 QUATER**

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**The Office of the Prosecutor**

Ms. Joanna Korner  
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Mr. Slobodan Zečević and Mr. Slobodan Cvijetić for Mićo Stanišić  
Mr. Dragan Krgović and Mr. Igor Pantelić for Stojan Župljanin

## I. INTRODUCTION AND PROCEDURAL BACKGROUND

1. Trial Chamber II (“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 “Prosecution’s motion to admit the evidence of witness ST-20 pursuant to Rule 92*quater*, with annexes”, filed confidentially on 19 November 2010 (“Motion”),<sup>1</sup> whereby the Prosecution seeks leave to:

- change the mode of testimony of ST020 from *viva voce* to Rule 92 *quater* of the Rules of Procedure and Evidence of the Tribunal (“Rules”);<sup>2</sup>
- “add nine associated exhibits to its Rule 65*ter* exhibit list that are inseparable and indispensable parts of this witness’s prior testimony”;<sup>3</sup> and
- tender pursuant to Rule 92 *quater* portions of ST020’s prior testimony in the *Brdanin* case and 13 associated exhibits;<sup>4</sup>

2. On 2 December 2010, the Defence jointly responded, objecting to the Motion (“Response”).<sup>5</sup>

3. On 1 April 2010, the Trial Chamber declined to take judicial notice of a number of proposed adjudicated facts or parts thereof.<sup>6</sup> On 14 July 2010, the Trial Chamber granted in part a Prosecution motion of 27 May 2010 to add witnesses to provide evidence on the denied adjudicated facts. The Trial Chamber ordered that the evidence of each selected witness be limited to the substance of the corresponding denied adjudicated fact or facts as set out in Confidential Annex A to the 27 May motion.<sup>7</sup>

<sup>1</sup> This witness has protective measures, see Decision granting Prosecution’s fifteenth motion for protective measures for 13 witnesses, public with confidential annex, 12 Oct 2010.

<sup>2</sup> Motion, paras 1 and 13.

<sup>3</sup> Motion, para. 1.

<sup>4</sup> Case No. IT-99-36-T (*Brdanin* case), 28 - 30 October 2002. See Motion para. 1, p. 5, and Confidential Annex B. The Trial Chamber notes that the paragraph numbering of the motion is not continuous.

<sup>5</sup> Joint Defence opposition to Prosecution’s motion to admit the evidence of witness ST-20 pursuant to Rule 92*quater*, with annexes, filed confidentially on 2 December 2010.

<sup>6</sup> Decision granting in part Prosecution’s motions on judicial notice of adjudicated facts pursuant to Rule 94(B), 1 Apr 2010, (“Adjudicated Facts Decision”).

<sup>7</sup> Decision granting in part Prosecution’s motion to amend its Rule 65 *ter* witness list as a result of the Trial Chamber’s 1 April 2010 decision concerning judicial notice of adjudicated facts, 14 Jul 2010 (“14 July Decision”), referring to Annex A to Prosecution’s motion to amend its Rule 65*ter* witness list as a result of the Trial Chamber’s 1 April 2010 decision granting in part Prosecution’s motions for judicial notice of adjudicated facts pursuant to Rule 94(B), with confidential annex, filed on 27 May 2010.

4. In Confidential Annex A to its motion of 27 May 2010, the Prosecution indicated that it would tender the evidence of ST020 pursuant to Rule 92 *ter* to cover denied adjudicated facts [ REDACTED ]. On 22 July 2010, the Prosecution redesignated ST020 as *viva voce*.<sup>8</sup>
5. On 13 January 2010, following an oral request from the Trial Chamber, the Prosecution filed a corrigendum attaching two documents that were missing from the Motion.<sup>9</sup>

## II. SUBMISSIONS

### 1. Motion

6. The Prosecution submits that when it “recently contacted ST-20 to make arrangements for his travel to The Hague, the witness informed the Prosecution that he currently suffers from Post Traumatic Stress Disorder (‘PTSD’) as a result of the trauma he experienced during the 1992-1995 conflict in Bosnia and Herzegovina (‘BiH’)”<sup>10</sup> and that “his PTSD had been aggravated by reliving these experiences through his testimony before this Tribunal in the *Brdanin* case in 2002 and *Krajišnik* case in 2005”.<sup>11</sup> The Prosecution further submits that, as a result, ST020 is “no longer willing or able to testify again regarding these same matters.”<sup>12</sup>
7. The Prosecution submits two medical certificates [ REDACTED ].<sup>13</sup> The Prosecution submits that these certificates “show that the witness currently suffers from the symptoms of severe PTSD, including paranoia, nightmares, anxiety, depression, bouts of aggression and difficulty maintaining interpersonal relationships”.<sup>14</sup> The Prosecution also submits that the “witness’s doctor warns that testifying before any kind of court, and thereby reliving his experiences from the BiH conflict, is likely worsen his condition”.<sup>15</sup>
8. The Prosecution asserts that “[g]iven that the sole purpose for calling ST-20 is to provide evidence related to three denied adjudicated facts, and given that his testimony from the *Brdanin*

<sup>8</sup> Prosecution’s notice pursuant to the Trial Chamber’s decision granting in part Prosecution’s motion to amend its Rule 65 *ter* witness list, with confidential annex, 22 July 2010.

<sup>9</sup> Corrigendum to Prosecution’s motion to admit the evidence of witness ST-20 pursuant to Rule 92 *quarter*, with annexes, confidential, 13 Jun 2010. The Trial Chamber had noted that Confidential Annex A to the Motion was incomplete, as the Prosecution neither attached the original of the medical certificate dated 4 November 2010 nor the translation of the medical certificate dated 18 October 2010. On 12 January 2010 the Trial Chamber orally requested the Prosecution to immediately provide, if available, the two missing documents. See T. 18734.

<sup>10</sup> Motion, para. 4.

<sup>11</sup> Motion, para. 4.

<sup>12</sup> Motion, para. 4.

<sup>13</sup> Motion, para. 10, Confidential Annex A. See also Confidential Annex A and B to Corrigendum.

<sup>14</sup> Motion, para. 10.

<sup>15</sup> Motion, para. 10.

case sufficiently covers these facts, [...] it is unnecessary to require this witness to provide *viva voce* evidence”.<sup>16</sup>

9. The Prosecution further submits that “[a]s an aid to the Chamber”,<sup>17</sup> it has highlighted in blue “the portions of ST-20’s *Brdanin* testimony that relate directly to the three denied adjudicated facts”<sup>18</sup> and in yellow the portions “that afford necessary context to this evidence”.<sup>19</sup>

10. The Prosecution asserts that ST020’s prior testimony bears sufficient indicia of reliability. The witness testified under oath, he was cross-examined by defence counsel, and his testimony “contains no material internal inconsistencies and corroborates the evidence of Prosecution Witnesses ST-62, ST-64, ST-226, ST-227 and ST-247, among others”.<sup>20</sup> The Prosecution further asserts that ST020 “makes no mention of the acts or conduct of either Accused within the meaning of the *Galić* Decision”.<sup>21</sup>

11. The Prosecution also seeks to admit thirteen associated documents that it considers “inseparable and indispensable parts” of the prior testimony, nine of which are not on the Prosecution’s Rule 65 *ter* exhibit list.<sup>22</sup> The Prosecution submits that the nine documents were disclosed to the Defence<sup>23</sup> and are *prima facie* relevant.<sup>24</sup> The Prosecution asserts that it “did not seek to add these exhibits to its Rule 65 *ter* exhibits list when the Trial Chamber granted leave to call ST-20 because it intended to elicit *viva voce* testimony from ST-20 in a manner that would not require the use of this material”.<sup>25</sup> It seeks to add the documents at this stage in the proceedings because “these exhibits are necessary for the Chamber to understand, and fully evaluate the relevance and probative value of, ST-20’s *Brdanin* testimony”.<sup>26</sup>

## 2. Response

12. The Defence oppose to the admission of the evidence of ST020 pursuant to Rule 92 *quater* and submit, somewhat contradictorily, that:

The Accused do not dispute that the health of ST-20 prevents him from testifying. However, the Defence believes that it takes a certificate from a certified medical doctor to confirm whether the

<sup>16</sup> Motion, para. 10.

<sup>17</sup> Motion, para. 11.

<sup>18</sup> Motion, para. 11.

<sup>19</sup> Motion, para. 11.

<sup>20</sup> Motion, para. 12.

<sup>21</sup> Motion, para. 12 referring to *Prosecutor v. Stanislav Galić*, Case No. IT-98-29-AR73.2, Decision on interlocutory appeal concerning Rule 92 *bis*(C) (“*Galić* Decision”), 7 Jun 2002, para. 16.

<sup>22</sup> Motion para. 1, p. 5. See *supra* footnote 4.

<sup>23</sup> The Prosecution states that documents with proposed Rule 65 *ter* numbers 3690, 3696 and 3697 were disclosed on 19 November 2010 and that the “remaining seven were disclosed prior to 2009”, Motion, para. 2, p.5 and footnote 14.

<sup>24</sup> Motion, para. 2, p. 5. See *supra* footnote 4.

<sup>25</sup> Motion, para. 2, p. 5. See *supra* footnote 4.

<sup>26</sup> Motion, para. 2, p. 5. See *supra* footnote 4.

witness is incapable of testifying, as neither the Defence nor the Trial Chamber possess the requisite knowledge to analyse the provided medical documentation. That would provide the answer to the question whether the witness is not willing or not able to testify. Considering that this witness' testimony is limited to adjudicated facts only, the witness will not have to repeat his entire testimony and will save him from reliving his experiences.<sup>27</sup>

13. The Defence further submit that ST020 was a member of [ REDACTED ], and that “a large number of documents – including the nine new proposed documents – relate to [ REDACTED ]”.<sup>28</sup> The Defence argue that “the Accused would want to question ST-20 about these matters and confront him through cross-examination”.<sup>29</sup> The Defence further assert that their “right to cross-examine ST-20 is not protected by the cross-examination of this witness in the *Brdanin* trial, where the issues relating to MUP were not canvassed as the main focus in that case”.<sup>30</sup>

14. The Defence also oppose the request to add nine new documents to the Prosecution Rule 65 *ter* exhibit list “because of a lack of due diligence to notify the Accused of the documents in a timely fashion and because of the inability of the Accused to challenge ST-20 through cross-examination in relation to these documents”.<sup>31</sup> The Defence further argue that the Prosecution offers “no reason whatsoever for not including these proposed document [*sic*] on their original exhibit list filed with the Pre-Trial Brief, nor any explanation why they seek to add them at this late stage in the proceedings, through a witness who will not be appearing for cross-examination.”<sup>32</sup>

### III. APPLICABLE LAW

15. In a decision of 14 April 2010 (“First Decision”), the Trial Chamber set out the law and jurisprudence that govern the admission of evidence pursuant to Rule 92 *quater*.<sup>33</sup> In a decision of 2 November 2010 (“Rule 92 *bis* Decision”), the Trial Chamber set out the jurisprudence defining ‘the acts and conducts of the accused’ in the context of Rule 92 *bis*(A).<sup>34</sup> The same case law applies to the acts and conducts of the accused pursuant to Rule 92 *quater*(B).

16. The admission of evidence pursuant to Rule 92 *quater* is subject to the general requirements of Rule 89(C) and (D) - the evidence must be relevant and have probative value that is not substantially outweighed by the need to ensure a fair trial.<sup>35</sup>

<sup>27</sup> Response, para. 3.

<sup>28</sup> Response, para. 4.

<sup>29</sup> Response, para. 4.

<sup>30</sup> Response, para. 4.

<sup>31</sup> Response, para. 5.

<sup>32</sup> Response, para. 5.

<sup>33</sup> First Decision, paras 20, 23 and 27.

<sup>34</sup> First Decision, paras 20, 23; Rule 92 *bis* Decision, paras 31-33.

<sup>35</sup> Rule 92 *bis* Decision, para. 29; First Decision, para. 22.

#### IV. DISCUSSION

17. Addressing, first, Rule 92 *quater*(A)(i), the Trial Chamber notes that the [ REDACTED ] Certificates were issued by a psychiatrist [ REDACTED ]. The [ REDACTED ] Certificate states that the witness's symptomatology "could be described as belonging to the cluster of PTSD [...] anxious and depressive phenomena".<sup>36</sup> It also states that the witness "is absolutely not ready for any kind of court proceedings which would be direct debalancing factor which could worsen his condition", thus confirming the prior assessment reflected on the [ REDACTED ] Certificate.<sup>37</sup> On the basis of these certificates, the Trial Chamber is satisfied that the witness is unavailable within the meaning of Rule 92 *quater*(A)(i).

18. With regard to Rule 92 *quater*(A)(ii), the Trial Chamber notes that ST020 testified under solemn declaration and that he was cross-examined. However, the Prosecution does not tender the portions of ST020's prior testimony that cover his cross-examination. Having weighed all indicia of reliability, and having found that there are no manifest or obvious inconsistencies in the evidence, the Trial Chamber is satisfied that the prior testimony of ST020 is reliable. The Trial Chamber will consider the lack of opportunity of the Defence to cross-examine in its determination at the end of the trial of the weight to be attributed to the evidence of ST020. To further mitigate any potential unfairness to the Defence, the Trial Chamber will also consider for admissibility the portions of ST020's prior testimony that cover his cross-examination in the *Brdanin* case.

19. Rule 92 *quater* is to be read in conjunction with Rule 89(C) and therefore, the Trial Chamber will conduct an assessment on the relevance of ST020's evidence. The Prosecution tenders portions of ST020's testimony in the *Brdanin* case in order to cover the denied or redacted adjudicated facts [ REDACTED ].<sup>38</sup> These facts stated:

[ REDACTED ].<sup>39</sup>

[ REDACTED ].<sup>40</sup>

[ REDACTED ].<sup>41</sup>

<sup>36</sup> Motion, Confidential Annex A and Corrigendum, Confidential Annex B.

<sup>37</sup> Motion, Confidential Annex A and Corrigendum, Confidential Annex A and B.

<sup>38</sup> Supra paras 3-4.

<sup>39</sup> *Prosecutor v. Mićo Stanišić*, Case No. IT-04-79-PT, Prosecution's second motion for judicial notice of adjudicated facts, with revised and consolidated annex, 10 May 2007, revised and consolidated annex, [ REDACTED ].

<sup>40</sup> *Prosecutor v. Mićo Stanišić*, IT-04-79-PT, Prosecution's fifth motion for judicial notice of adjudicated facts, with annex, 21 Aug 2009 [ REDACTED ].

<sup>41</sup> *Prosecutor v. Mićo Stanišić*, IT-04-79-PT, Prosecution's fifth motion for judicial notice of adjudicated facts, with annex, 21 Aug 2009 [ REDACTED ].



20. ST020 testified, *inter alia*, about his personal and military background and [ REDACTED ].<sup>42</sup> The witness also testified about the confiscation of weapons by the police,<sup>43</sup> and that “when the operations began” he received a call from [ REDACTED ], who “represented the reserve police forces”, and that “when [ REDACTED ] and the surrounding villages had been encircled he [...] ordered for the weapons to be handed over or else there would be a lot of trouble”.<sup>44</sup> The witness described the attack on [ REDACTED ], which the witness situates on [ REDACTED ], and the shelling of the area, including the hospital.<sup>45</sup> He testified that the shelling was “indiscriminate” and that it resulted in innocent people being killed.<sup>46</sup> The witness testified that the [ REDACTED ] police station was mostly manned by Muslim policemen and also discussed a document which states that 26 of them were killed in combat operations.<sup>47</sup> The witness gave evidence on his detention in [ REDACTED ] camp, where he witnessed how a policeman stabbed a detainee to death.<sup>48</sup> These portions of the transcript are relevant to the indictment and relate to denied adjudicated facts [ REDACTED ]. Moreover, none of the relevant portions of ST020’s testimony goes to proof of the acts and conduct of the Accused.

21. Certain portions of the tendered evidence expand beyond facts [ REDACTED ]. Specifically, the portions where ST020 discussed details about the arming of the population in [ REDACTED ], the level of organisation and weaponry of the [ REDACTED ] and the alleged presence of a [ REDACTED ] unit in the area are irrelevant to these facts.<sup>49</sup> Likewise, details about the witness’s arrest [ REDACTED ], his subsequent transfer to different locations and abuses that the police committed in these places are irrelevant to these facts.<sup>50</sup> These highlighted portions will, therefore, not be admitted into evidence.

22. Six of the 19 documents listed in Confidential Annex B, which are associated to the ST020’s testimony, have already been admitted into evidence and will not be further discussed.<sup>51</sup>

<sup>42</sup> T. 10961-10962, T. 10974-10975.

<sup>43</sup> T. 11004-11011 and [ REDACTED ] in the *Brdanin* case.

<sup>44</sup> T. 10985-10987. See also T. 11093-11094 and T. 11113.

<sup>45</sup> T. 10987 and [ REDACTED ] in the *Brdanin* case, T. 10997-11002. See also T. 11106-11108 and T. 11126-11127.

<sup>46</sup> T. 10997-11002.

<sup>47</sup> T. 11017-11019 and [ REDACTED ] in the *Brdanin* case.

<sup>48</sup> T. 11062- 11064.

<sup>49</sup> T. 10973-10974, and [ REDACTED ] in the *Brdanin* case, T. 10975-10979 and [ REDACTED ] in the *Brdanin* case; T.10983-10985 and [ REDACTED ] in the *Brdanin* case; T. 11017; T. 11022-11023.

<sup>50</sup> T. 11023-11033.

<sup>51</sup> [ REDACTED ] in the *Brdanin* case admitted on 26 November 2009 as [ REDACTED ] in the current proceedings; [ REDACTED ] in the *Brdanin* case admitted on 9 December 2009 as [ REDACTED ] in the current proceedings; [ REDACTED ] in the *Brdanin* case admitted on 31 May 2010 as [ REDACTED ] in the current proceedings; [ REDACTED ] in the *Brdanin* case admitted on 30 August 2010 as [ REDACTED ] in the current proceedings; [ REDACTED ] in the *Brdanin* case admitted on 9 Decembre2009 as [ REDACTED ] in the current proceedings and

Six other documents were discussed by the witness in portions which are irrelevant to the pertinent facts.<sup>52</sup>

23. Rule 65 *ter* number [ REDACTED ], marked for identification in the current proceeding on 25 February 2010, is a dispatch of 25 May 1992 [ REDACTED ] reporting on “a plan for the confiscation of illegally-owned weapons”.<sup>53</sup> The document is discussed by the witness, is relevant and probative and forms an inseparable and indispensable part of the transcript. It will, therefore, be admitted into evidence.

24. Rule 65 *ter* number [ REDACTED ], a document issued by the [ REDACTED ] with title “Political and security situation in [ REDACTED ]”, refers to armed operations in [ REDACTED ].<sup>54</sup> The document is discussed by the witness, is relevant and probative and forms an inseparable and indispensable part of the transcript. It will, therefore, be admitted into evidence.

25. Rule 65 *ter* number [ REDACTED ], is a newspaper article dated 25 May 1994 containing an interview [ REDACTED ].<sup>55</sup> Although this article was admitted in the *Brdanin* case during the testimony of ST020, the witness did not discuss it in the portions of transcript tendered by the Prosecution. As the document does not form an inseparable and indispensable part of the transcript, the Trial Chamber will not admit it into evidence.

26. None of the four remaining associated documents is on the Prosecution’s Rule 65 *ter* exhibit list. Proposed Rule 65 *ter* number 3690 is the pseudonym sheet of the witness.<sup>56</sup> It is inseparable and indispensable from his testimony and will be admitted into evidence.

27. Proposed Rule 65 *ter* number [ REDACTED ], a regular combat report of the [ REDACTED ] dated 3 May 1992, refers to military units being relocated to the [ REDACTED ] area.<sup>57</sup> This document is discussed by the witness during his testimony in the *Brdanin* case. It is relevant, probative and forms an inseparable and indispensable part of the transcript. Although the document is not on the Prosecution’s Rule 65 *ter* exhibit list, it was, according to the Prosecution, disclosed to the Defence prior to 2009.<sup>58</sup> The Trial Chamber is satisfied that any undue prejudice arising from its

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[ REDACTED ] in the *Brdanin* case was admitted into evidence on 6 December 2010 as [ REDACTED ] in the current proceedings.

<sup>52</sup> [ REDACTED ].

<sup>53</sup> [ REDACTED ].

<sup>54</sup> [ REDACTED ] in the *Brdanin* case.

<sup>55</sup> [ REDACTED ] in the *Brdanin* case.

<sup>56</sup> [ REDACTED ] in the *Brdanin* case.

<sup>57</sup> [ REDACTED ] in the *Brdanin* case.

<sup>58</sup> Motion, para. 2, p. 5 and footnote 14. See *supra* footnote 4.

late addition would be minimal. For these reasons and in the interests of justice, the Trial Chamber will admit it in evidence.

28. Proposed Rule 65 *ter* number [ REDACTED ], a [ REDACTED ] regular combat report [ REDACTED ], states that “an armed attack by the Muslim extremists against military [ REDACTED ] took place on [ REDACTED ], thus setting off armed conflicts that are still going on.”<sup>59</sup> This document is discussed by the witness during his testimony in the *Brdanin* case. It is relevant, probative and forms an inseparable and indispensable part of the transcript. Although it is not on the Prosecution’s Rule 65 *ter* exhibit list, it was, according to the Prosecution, disclosed to the Defence prior to 2009.<sup>60</sup> The Trial Chamber is satisfied that any undue prejudice arising from its late addition would be minimal. For these reasons and in the interests of justice, the Trial Chamber will admit it into evidence.

29. Proposed Rule 65 *ter* number [ REDACTED ], a transcript of news broadcast dated [ REDACTED ] regarding combat activities in the region of [ REDACTED ] and handover of armaments, refers to “Muslim extremists” demanding buses to evacuate civilians from the area.<sup>61</sup> The Trial Chamber deems this issue irrelevant to the specific contents of facts [ REDACTED ]. The document also contains information about military forces “crushing” the enemy resistance and the surrender of weapons in a number of villages. This is not related to the contents of facts [ REDACTED ] and, furthermore, the witness testified that he has no specific knowledge about these issues. This document will, therefore, not be admitted into evidence.

## V. DISPOSITION

30. For the foregoing reasons, and pursuant to Rules 54, 89 and 92 *quater*, the Trial Chamber:

**GRANTS** the Motion **IN PART**;

**GRANTS** leave to the Prosecution to add to its Rule 65 *ter* exhibit list the documents with proposed Rule 65 *ter* numbers [ REDACTED ];

**ADMITS INTO EVIDENCE** the following portions of ST020’s testimony in the *Brdanin* case: pages T. 10961:14 to 10962:7, T. 10972:15 to T. 10973:11, T. 10974:17 to T. 10975:7, T. 10985:10 to T. 10990:10, T. 10991:8 to T. 10993:9, T. 10994:6-21, T. 10996:22 to T. 11004:21, T. 11006:8 to T.11008:23, T.11009:21 to T.11011:11, T. 11014:14 to T. 11015:21, T. 11017:21 to T. 11019:24,

<sup>59</sup> [ REDACTED ] in the *Brdanin* case.

<sup>60</sup> Motion, para. 2, p. 5 and footnote 14. See *supra* footnote 4.

T. 11023:13-19, T. 11046:20-21, T. 11047:10-12, T. 11049:7-10, T. 11053:6 to T. 11057:4, T. 11059:17-19, T. 11062:12 to T. 11064:23, T. 11067:20, T. 11093:4 to T. 11094:10, T. 11105:18 to T. 11108:4, T. 11113:13-22, T. 11126:18 to T. 11127:1 and T. 11131-11132;

**ADMITS INTO EVIDENCE** the associated documents with Rule 65 *ter* numbers [REDACTED]; and

**ORDERS** the Registrar to assign exhibit numbers to the transcripts and associated exhibits admitted into evidence.

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

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Judge Burton Hall  
Presiding

Dated this nineteenth day of January 2011

At The Hague

The Netherlands

[Seal of the Tribunal]

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<sup>61</sup> [REDACTED] in the *Brdanin* case at T. 11013.