

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-05-87/1-T
Date: 1 October 2009
Original: English

IN TRIAL CHAMBER II

Before: Judge Kevin Parker, Presiding
Judge Christoph Flügge
Judge Melville Baird

Registrar: Mr John Hocking

Decision: 1 October 2009

PROSECUTOR

v.

VLASTIMIR ĐORĐEVIĆ

PUBLIC

**DECISION ON PROSECUTION'S ORAL MOTION FOR
ADMISSION OF EVIDENCE TENDERED THROUGH
WITNESS PHILIP COO**

The Office of the Prosecutor:

Mr Chester Stamp
Ms Daniela Kravetz

Counsel for the Accused:

Mr Dragoljub Đorđević
Mr Veljko Đurđić

1. This Trial Chamber (“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 seized of the Prosecution’s motion (“Motion”) for the admission of evidence tendered through Witness Philip Coo (“Witness” or “Mr Coo”) made orally by the Office of the Prosecutor (“Prosecution”) on 27 and 28 August 2009, whereby the Prosecution seeks the admission into evidence of 105 documents. On 14 September 2009, the Defence filed “Vlastimir Đorđević’s Motion to Exceed Word Limit and Written Submissions Regarding Evidence Tendered for Admission through Mr. Phillip Coo” (“Response”). On 28 September 2009, the Prosecution filed “Prosecution’s Response to Vlastimir Đorđević’s Written Submissions Regarding Evidence Tendered for Admission Through Mr. Philip Coo and Motion to Exceed the Word Limit” (“Reply”). On 30 September 2009, the Prosecution filed “Corrigendum to Prosecution’s Response to Vlastimir Đorđević’s Written Submissions Regarding Evidence Tendered for Admission Through Mr. Philip Coo and Motion to Exceed the Word Limit” (“Corrigendum”).

I. BACKGROUND

2. During the court sessions of 27 and 28 August 2009, the Prosecution indicated that it wished to tender a large number of documents that were used by Witness Philip Coo to produce an expert report and were listed in a provenance report both of which were admitted in the *Milutinović et al.* trial.¹ In addition, the Prosecution sought to tender 13 documents consisting of Minutes of the Collegium of the General Staff of the Yugoslav Army (“Minutes of the Collegium”).² The Chamber decided that in view of the large number of documents and the short period of time in which the Defence had had to review the Minutes of the Collegium, it would allow the Defence to put any objections to the admission of these documents in writing two weeks from the date that the Prosecution submitted a revised list of the documents sought to be admitted.³ The Prosecution submitted by email a revised list of documents sought to be tendered on 1 September 2009.

3. Subsequently, the Defence filed the Response, in which it objected to the admission of 53 documents included in the revised list on the basis that they lack authenticity and that Mr Coo was unable to guarantee the reliability of these documents.⁴ The Prosecution replied with a filing in which it withdrew 27 documents from its Motion to tender,⁵ and requested the Chamber to grant

¹ *Prosecutor v. Vlastimir Đorđević*, Case No. IT-05-87/1-T, Court session of 27 August 2009, Transcript (“T”) 8520, 8542, 8544; Court session of 28 August 2009, T 8569. The provenance report was admitted as an exhibit in this case: Exhibit P1287.

² Court session of 28 August 2009, T 8571.

³ Court session of 27 August 2009, T 8549; Court session of 28 August 2009, T 8520, 8572-8573, 8527-8628.

⁴ Response, paras 9, 11.

⁵ Reply, para 33.

leave to file the remaining documents as well to file the submissions in excess of the word limit.⁶ Following this, the Corrigendum was filed, which added a further document to its list of documents to withdraw from the motion to tender and corrected an error in one paragraph of the Reply.⁷

II. LAW

4. Pursuant to Rule 89(C) of the Rules, a Chamber may admit any relevant evidence which it deems to have probative value. As a general rule, the document proposed for admission has to be of sufficient reliability⁸ and relevance⁹ to the issues in the case to have probative value. It is for the party that moves to have a document admitted into evidence to demonstrate its relevance and reliability to justify its admission.¹⁰ The Chamber may exclude evidence under Rule 89(D) of the Rules if its probative value is substantially outweighed by the need to ensure a fair trial.

5. It is desirable that documents are tendered for admission through witnesses who are able to comment on them.¹¹ A party is not necessarily precluded from seeking the admission of a document even though it was not put to a witness with knowledge of the document (or its content) when that witness gave testimony in court. However, the failure to put the document to such a witness is relevant to the exercise of the Chamber's discretion to admit the document.¹² Further, if the document is admitted, the failure is likely to limit the value of the document in evidence.¹³

6. The Appeals Chamber has held that summaries and reports created by non-parties (other than written statements by prospective factual witnesses for the purposes of legal proceedings) may

⁶ Reply, para 34.

⁷ Corrigendum, paras 3 and 2, respectively.

⁸ The Appeals Chamber has clarified that "a piece of evidence may be so lacking in terms of indicia of reliability that it is not 'probative' and is therefore not admissible", *Prosecutor v. Dario Kordić and Mario Čerkez*, Case No. IT-95-14/2-AR73.5, "Decision on Appeal Regarding Statements of a Deceased Witness", 21 July 2000, para 24. See also *Prosecutor v. Milan Milutinović et al.*, Case No. IT-05-87-T, "Decision on Prosecution's Motion to Admit Documentary Evidence", 10 October 2006, para 10 (quoting *Prosecutor v. Duško Tadić*, Case No. IT-94-1-T, "Decision on Response in Hearsay", 5 August 1996, para 15); *Prosecutor v. Mile Mrkšić et al.*, Case No. IT-95-13/1-T, "Decision on Mile Mrkšić's Motion for Admission of Documents", 21 November 2006; *Prosecutor v. Ljube Bošković and Johan Tarčulovski*, Case No. IT-04-82-T, "Decision on Bošković Response to Amend Its Rule 65ter List and Admit Exhibits from the Bar Table", 20 March 2008 ("Bošković 20 March 2008 Decision"), para 4.

⁹ *Bošković 20 March 2008 Decision*, para 4; see *Prosecutor v. Stanislav Galić*, Case No. IT-98-29-AR73.2, "Decision on Interlocutory Appeal Concerning Rule 92bis (C)", 7 June 2002, para 35.

¹⁰ *Prosecutor v. Bošković and Tarčulovski*, Case No. IT-04-82-T, "Decision on Prosecution's Motion for Admission of Exhibits from the Bar Table with Confidential Annexes A to E", 14 May 2007, para 14; *Prosecutor v. Momčilo Perišić*, Case No. IT-04-81-T, "Order for Guidelines on the Admission and Presentation of Evidence and Conduct of Counsel in Court", 29 October 2008, para 23.

¹¹ *Prosecutor v. Vlastimir Đorđević*, Case No. IT-05-87/1-T, "Decision on Prosecution's Motion to Admit Exhibits from the Bar Table", 28 April 2009, para 5.

¹² *Ibid.*

¹³ *Prosecutor v. Ljube Bošković and Johan Tarčulovski*, Case No. IT-04-82-T, "Decision on Tarčulovski's Second Motion for Admission of Exhibits from the Bar Table with Annex A", 7 April 2008, para 5.

be admitted pursuant to Rule 89(C).¹⁴ However, as these documents are hearsay in nature, these must possess the sufficient indicia of reliability in order to be admissible.¹⁵

III. DISCUSSION

1. Preliminary issues

7. The Chamber is satisfied that in view of the large number of documents which the Prosecution seeks to have admitted into evidence, the oversized Response is justified and leave will be granted to exceed the prescribed word limit.

8. The Chamber notes that the Prosecution, without leave having been granted and outside the time limit for a reply,¹⁶ submitted a reply to the Defence Response. The significance of the Reply for the purpose of the present decision is that the Prosecution has indicated its intention to withdraw 27 documents that it had sought to tender, namely documents bearing the Rule 65ter numbers: 00986, 01022, 01082, 01213, 01215, 01222, 01225, 01243, 01245, 01287, 01350, 01358, 01361, 01377, 01382, 01553, 01570, 01587, 01589, 01590, 01609, 01610, 01728, 01898, 02018, 02621 and 02687.¹⁷ In its Corrigendum to the Reply, the Prosecution stated that it also wished to withdraw Rule 65ter document 01368.¹⁸ Therefore, this decision will not deal with these documents.

2. Documents not subject to objection

9. The Defence does not object to the admission of the following documents on the basis that they are generally reliable as authentic since they were procured by means of Requests for Assistance (“RFAs”): Rule 65ter 01000, 01192, 01318, 01574, 01575, 01576, 01577, 01878, 01899, 01905, 01922, 01924, 01925, 01937, 01938, 01945, 01950, 01951, 01957, 01970, 01972, 01973, 01974, 01977, 02006, 02007, 02008, 02012, 02016, 02017, 02022, 02035, 02618, 02620.¹⁹

10. The Defence also does not object to the 13 documents consisting of the Minutes of the Collegium, bearing the Rule 65ter numbers 00928, 00929, 00930, 00931, 00932, 00933, 00934,

¹⁴ See *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-AR73.2, “Decision on Admissibility of Prosecution Investigator’s Evidence”, 30 September 2002 (“*Milošević* Appeal Decision”), para 18(3). See also *ibid.*, para 23; *Prosecutor v. Milutinović et al.*, Case No. IT-05-87-T, “Decision on Evidence Tendered Through Sandra Mitchell and Frederick Abrahams”, 1 September 2006, paras 16 and 19.

¹⁵ *Milošević* Appeal Decision, paras 14, 18(2), 21-23. See also *Prosecutor v. Dario Kordić and Mario Čerkez*, Case No. IT-95-14/2-AR73.5, “Decision on Appeal Regarding Statements of a Deceased Witness”, 21 July 2000, para 24.

¹⁶ Rule 126bis Rules of Procedure and Evidence.

¹⁷ Reply, para 33.

¹⁸ Corrigendum, para 3.

¹⁹ Response, para 9.

00936, 00937, 00938, 00939, 00940, 00941 since they were discussed in court and Mr Coe stated that they were received through an RFA.²⁰

11. Furthermore, the Defence does not object to the admission of the documents bearing Rule 65ter numbers 01508, 01981, 01994, 01995, and 02009.

12. The Chamber is satisfied that the above-mentioned documents have sufficient indicia of reliability and relevance to be admissible and will grant leave to admit them.

3. Rule 65ter 01426, 01446, 01613, 01615: Documents provided by President Đinđić from General Pavković

13. Documents Rule 65ter 01426, 01446, 01613, 01615 consist of, respectively, a report on the engagement of brigade units dated 8 August 1998 of Colonel Dragan Živanović of the 125th Motorised Brigade, a telegram to the Chief of the Supreme Command Staff signed by General Pavković, Commander of the Third Army, dated 30 March 1999, an order on breaking up of DP/sabotage and terrorist/forces in the Dobrodeljane sector dated 27 August 1998 signed by General Pavković, and a war diary of the Forward Command Post (IKM) of the Third Army from 4 February to 18 June 1999. All these documents were provided to the Prosecution by President Đinđić of Serbia on behalf of General Pavković in July 2002.²¹

14. The Defence objects to the admission of the documents on the basis that General Pavković may have been motivated to provide documents that would seek to exculpate himself or those he was protecting and that the unsolicited nature of this handing over of documents raises concern as to their authenticity.²² Furthermore, it is contended that the lack of information as to the chain of custody of the documents prior to Mr Đinđić handing them to the Prosecution affects their reliability.²³ It points, in particular, to Rule 65ter 01613, which states “MUP Command” and “Military Secret” at the top and is signed by General Pavković although the MUP Command did not exist, an MUP document could not be categorized as a military secret and General Pavković would not be authorized to sign police documents as a military general.²⁴

15. The Chamber notes that Mr Coe himself stated that these documents were analysed by the Prosecution in light of the concern as to authenticity of the documents in view of the questionable

²⁰ Response, para 10.

²¹ Exhibit P1287, pp 6, 7 and 9.

²² Response, paras 17-18.

²³ Response, para 17.

²⁴ Response, para 19.

motivation on the part of General Pavković to submit such documents voluntarily.²⁵ He testified that the documents were reviewed with a particular cautiousness to see if they had been subject to any tampering or forgery. None of the documents suggested to him any such manipulation.²⁶ The only strange element that he noted was the large number of orders relating to the Geneva Conventions and disciplinary issues, which he found unusual to have been issued in such a short period. However, he stated that these same documents were later found in an archive mission in 2006 and no document was found to be of doubtful authenticity.²⁷ He also testified that he assessed the veracity and authenticity of the documents by comparing the documents with other sources and with what witnesses had told them, as well as retrieving original copies, where possible.²⁸

16. The Chamber recalls that Mr Coo was not called as an expert witness in this case, but as a witness of fact. Its decision in this regard was based not on the lack of military expertise shown by the Witness, but on his proximity with the Prosecution case.²⁹ Mr Coo testified as to his ability to analyse military related documents due to his experience as an intelligence officer in the Canadian army and at the Tribunal in his capacity as a military analyst during which time he studied the documentation, structure and operation of the Army of Yugoslavia (“VJ”) and the MUP.³⁰ The Chamber takes note of the concern raised by the Defence as to the authenticity of Rule 65ter 01613, but cannot exclude its authenticity at this stage of proceedings.³¹

17. The Chamber is satisfied that the above-mentioned documents have sufficient indicia of authenticity and reliability to be admitted and will, therefore, grant leave to admit these documents.

4. Rule 65ter 01247, 01249, 01250, 01188, 01259, 01268, 01060, 01092, 01093, 01200, 01231, 01578, 01579, 01580, 02623: documents acquired during post-war Office of the Prosecutor “OTP” document exploitation missions to Kosovo

18. Documents bearing the Rule 65ter numbers 01247, 01249, 01250, 01188, 01259, 01268, 01060, 01092, 01093, 01200, 01231, 01578, 01579, 01580, and 02623 comprise a range of documents acquired during OTP document exploitation missions to Kosovo.

²⁵ Court session of 28 August 2009, T 8610.

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ Court session of 28 August 2009, T 8612.

²⁹ *Prosecutor v. Vlastimir Đorđević*, Case No. IT-05-87/1-T, “Decision on Defence Notice under Rule 94bis”, 5 March 2009, para 20 (“The Chamber finds that Philip Coo, although possessing the requisite qualifications of an expert witness, should not give evidence as an expert because the extent of his involvement in the preparation of the Prosecution case is such that the Chamber is not able to be confident of the impartiality of his opinions”).

³⁰ Court session of 28 August 2009, T 8612.

³¹ As noted in by the Chamber in court, although Mr Coo is received as a witness of fact, “that does not exclude that he may have knowledge and expertise which could ground opinion which we will receive”. Court session of 27 August 2009, T 8525. Nonetheless, the Chamber is “very conscious of the question of his partiality because of his association,

19. The Defence objects to the admission of these documents on the basis that there is little information given in the provenance report as to how and where specifically the documents were obtained.³² It further submits that since Mr Coo testified that many buildings in Kosovo from whence these documents came were unsecured making it possible for third parties to have access, it is possible that some of these documents could have been tampered with.³³ It also argues that the VJ and MUP documents were retrieved from the Kosovo Liberation Army (KLA), which affects the reliability of these documents.³⁴

20. The Defence points to a number of documents or groups of documents with specific concerns as to reliability. In respect of Rule 65ter documents 01247, 01249 and 01250, it notes that the documents were provided by a person named “Shefqet Beqaj”, and that there is no information as to who this person is and how he came to possess these documents. Rule 65ter 01188 was seized from the “UCK HQ in Babilloq, Decane”, which the Defence claims negatively affects the reliability of the document.³⁵ The Defence also doubts the reliability of Rule 65ter 01259, which was received from Frederick Abrahams, a former Prosecution employee, who procured it from a person named “Ylber Hysea”. The Defence argues that since the chain of custody is unclear, there is potential for the document to be unauthentic and unreliable.³⁶ It also objects to Rule 65ter 01268 on the basis that it is not clear as to how the document was received or from whom it came.³⁷ In addition, it questions the reliability of Rule 65ter documents 01060, 01092, 01093, 01200, 01231, 01578, 01579, 01580, and 02623, submitting that there is insufficient information on how, where and when they were collected by the Prosecution. It also contends that certain documents – 01092, and 01093– appear to have dubious authenticity.³⁸

21. The Chamber notes that Mr Coo testified as to the fact that due to having been bombed or otherwise subject to degrees of destruction, some of the buildings in which documents were stored were not secure and could have been accessed by third parties.³⁹ Nonetheless, the Chamber does not consider that this state of affairs necessarily entails that none of the documents procured from such buildings may be relied on. Rather, it deems that there is a need to be careful in ascertaining

and will therefore evaluate what he says, including any opinion that he may be allowed in light of that circumstance”. Court session of 27 August 2009, T 8526-8527.

³² Response, para 31.

³³ Response, para 32.

³⁴ *Ibid.*

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ Court session of 28 August 2009, T 8604-8605.

the authenticity of such documents. This cautiousness was apparently heeded by the Prosecution military analysts as testified to by Mr Coo.⁴⁰

22. With regard to the three documents provided to the Prosecution by “a Shefqet Baqaj” – 01247, 01249 and 01250 – the Chamber notes that a document with the same provenance – D100⁴¹ – was admitted into evidence at the request of the Defence without the Defence challenging authenticity.⁴² Moreover, there is nothing overtly unreliable or unauthentic about these documents, which are stamped and formatted in the customary official manner. In respect of Rule 65ter document 01188, the simple fact that it was seized from the KLA headquarters in Babilloq, Decane, does not necessarily cast doubt on its authenticity, particularly given that its format corresponds to other official documentation. In terms of the reliability of Rule 65ter document 01259, the Chamber does not consider the chain of custody to be so obscure as to cast doubt on its authenticity; the source and time of the handing over is identified by the Prosecution.⁴³ The authenticity of the document is also corroborated by the official stamps on the document. With regard to Rule 65ter document 01268, the Chamber notes that contrary to the submission of the Defence, Mr Coo did not testify that it was received via an RFA, but that it “complied with another document that [the Prosecution] had acquired through an RFA, which was the rules of correspondence and office administration in the VJ” and was also corroborated by other documents reviewed.⁴⁴ In light of this, the Chamber is satisfied that it has sufficient indicia of reliability and authenticity to be admitted.

23. Rule 65ter documents 01060, 01092, 01093, 01200, 01231, 01578, 01579, 01580 and 02623, consisting of documents of the MUP and VJ, were all collected during post-war OTP document exploitation missions to Kosovo during which various facilities used previously by VJ, MUP and civil organizations were visited for evidence collection purposes. In respect of all the documents, the MAT Comments note that authenticity is supported by consistency with other MUP or VJ documents in evidence.⁴⁵ The Chamber notes that while it may have been helpful for the Prosecution to give further specifications as to the location and source of each of these documents, they all carry *prima facie* relevance and appear to be authentic and reliable.

⁴⁰ Court session of 28 August 2009, T 8603 (testifying that documents considered important were cross-checked with the archives of the VJ once access was gained to such archives).

⁴¹ Rule 65ter 01251. The Chamber notes that the Prosecution mistakenly identifies this as Exhibit P01251 in the “MAT Comments” of Exhibit P1287, p 5.

⁴² Court session of 8 May 2009, T 4204.

⁴³ Exhibit P1287, p 5.

⁴⁴ Court session of 27 August 2009, T 8551.

⁴⁵ Exhibit P1287, pp 2, 3, 4, 8 and 17.

24. With respect to Rule 65ter document 01092, the Chamber notes that the document, a notification from the PJM special police unit dated 15 February 1999, is type-signed. However, it bears all the marks of authenticity and is consistent with other documents of this type. Rule 65ter document 01093, a summary of events and information from the MUP dated 30 January 1999, does appear to be hand signed and authentic.

25. The Chamber is satisfied that the above-mentioned documents have sufficient indicia of authenticity and reliability to be admitted and will, therefore, grant leave to admit these documents.

5. Rule 65ter documents 01011, 00998, 00717, 01192, 01736: other documentation

26. Rule 65ter document 01011 is a book entitled *The Yugoslav Army and Kosovo and Metohija 1998-1999: Application of the Rules of the International Law of Armed Conflicts*, edited by Ivan Marković, published in Belgrade, 2001, by the Press and Information Centre, Vojska. The Defence objects to admission of the document through Mr Coo on the basis that certain documents published in the book are reproductions and translations and there is no way to authenticate them.⁴⁶ It also submits that the publication date, two years after the war ended, raises doubts as to the motivation for its publication, and hence its reliability. It contends that should the Prosecution wish to use the documents reproduced in the book, it should seek such documents through RFAs.⁴⁷ The Chamber notes that Vojska is the publishing house of the VJ and that Mr Coo testified that the book had been bought at the VJ bookshop.⁴⁸ He also testified that while not every order reproduced in the book had been verified, he had found a number of documents through archive missions or documents provided in response to RFAs which were the same as those in the book and that he had never found an order in the book that was inconsistent with other orders procured through different means.⁴⁹ The Chamber is satisfied that this document has a sufficient degree of reliability and authenticity to be admitted.

27. Rule 65ter document 00998 is the “Regulations on the Application of International Laws of War in the Armed Forces of the SFRY”, published by the Federal Secretariat for National Defence in 1988. The Defence objects to its admission for the same reasons as enunciated with respect to Rule 65ter 01011.⁵⁰ The Chamber finds the objection without merit. The book appears to be an official publication in the central library of the Yugoslav Peoples’ Army (JNA). It is also cited in Rule 65ter 01011, which the Chamber has found to be *prima facie* reliable.

⁴⁶ Response, para 34.

⁴⁷ Response, para 34.

⁴⁸ Court session of 27 August 2009, T 8547; Court session of 28 August 2009, T 8609.

⁴⁹ Court session of 27 August 2009, T 8548.

⁵⁰ Response, para 34.

28. Rule 65ter document 00717 is a letter from General Perišić to President Milošević dated 23 July 1998, which appears to be an appendix to a book entitled *Fire and Flood* (Vatre i Potop) by Pero Simić and Dejan Lukić. The Defence objects to its admission on the basis that Mr Coo did not recall the source for this document in court and that given that the content of the book is unknown, there are concerns as to reliability.⁵¹ The Chamber notes that Mr Coo stated that he did not know the provenance of the document because it was already in the system when he was preparing his report and that he discovered the document when doing electronic searches.⁵² However, he also testified that this document had been presented in court in both the *Milošević* and *Milutinović et al.* trials, and that he believes, from having followed these trials carefully, that the contents of the letter are accurate since they were assessed against other documentation that had been acquired independently.⁵³ He further stated that the authenticity of the document is supported by the official stamp and the format of the document.⁵⁴ The Chamber notes that while there does not appear to be an official stamp, the letterhead does appear to be that of the Chief of the General Staff of the Yugoslav Army and that the letter is hand-signed. In view of these factors, it considers that the document has a sufficient degree of authenticity and reliability to be admitted, though the weight to be attributed to such a document may be affected by the fact that the document is sourced from a book on which not much is known.

29. Rule 65ter documents 01192 and 01736 are, respectively, the Rules on the Internal Organization of the RDB (State Security Department), and the SFRY Criminal Code. The Defence objects to their admission on the basis that Philip Coo is not himself able to verify the authenticity of the documents. In its submission, Mr Coo is not the appropriate witness for the introduction of these documents and the relevance of the documents has not been explained to the Chamber.⁵⁵

30. The Chamber notes that neither of these documents were put to the Witness in court. Nonetheless, both documents appear to be from reliable sources. Rule 65ter 01192 was acquired through an RFA and appears to be authentic, having both an official stamp and the hand-written signature of Zoran Sokolović. Rule 65ter 01736 is an official publication of the SFRY Criminal Code, prepared for publication by Professor Vlado Kambovski, published by NIP *Privredni pregled*, Belgrade, in 1990, and this copy appears to have been taken from a book of the Library of the Municipal Court I in Sarajevo.

⁵¹ *Ibid.*

⁵² Court session of 27 August 2009, T 8538.

⁵³ *Ibid.*

⁵⁴ *Ibid.*, T 8539.

⁵⁵ Response, para 34.

31. The Chamber is satisfied that all the above-mentioned documents have a sufficient degree of relevance, reliability and authenticity to be admitted.

IV. DISPOSITION

32. For these reasons, and pursuant to Rules 54 and 89 of the Rules, the Chamber

GRANTS leave to exceed the word limit in the Response;


DECIDES as follows:

- documents bearing Rule 65ter numbers: 00717, 00928, 00929, 00930, 00931, 00932, 00933, 00934, 00936, 00937, 00938, 00939, 00940, 00941, 00998, 01000, 01011, 01060, 01092, 01093, 01188, 01192, 01200, 01231, 01247, 01249, 01250, 01259, 01268, 01318, 01426, 01446, 01508, 01574, 01575, 01576, 01577, 01578, 01579, 01580, 01613, 01615, 01736, 01878, 01899, 01905, 01922, 01924, 01925, 01937, 01938, 01945, 01950, 01951, 01957, 01970, 01972, 01973, 01974, 01977, 01981, 01994, 01995, 02006, 02007, 02008, 02009, 02012, 02016, 02017, 02022, 02035, 02618, 02620 and 02623 will be received and admitted into evidence;

REQUESTS the Registry to assign exhibit numbers to the received documents and to inform the Chamber and the parties in writing accordingly.

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

Dated this first day of October 2009
At The Hague
The Netherlands



Judge Kevin Parker
Presiding

[Seal of the Tribunal]