



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: 15 December 2010  
Original: English

**IN TRIAL CHAMBER II**

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

**Registrar:** Mr. John Hocking

**Decision of:** 15 December 2010

**PROSECUTOR**

v.

**MIĆO STANIŠIĆ AND STOJAN ŽUPLJANIN**

***PUBLIC***

**DECISION GRANTING IN PART PROSECUTION'S  
MOTION TO AMEND ITS RULE 65 *TER* EXHIBIT  
LIST TO ADD DOCUMENTS MARKED FOR  
IDENTIFICATION**

**The Office of the Prosecutor**

Ms. Joanna Korner  
Mr. Thomas Hannis

**Counsel for the Accused**

Mr. Slobodan Zečević and Mr. Slobodan Cvijetić for Mićo Stanišić  
Mr. Dragan Krgović and Mr. Igor Pantelić 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”) is seised of the “Prosecution’s motion for leave to amend its Rule 65 *ter* exhibit list to add documents marked for identification, with annex”, filed on 2 February 2010 (“Motion”), whereby the Prosecution requests permission to add to its exhibit list 17 documents which were marked for identification during the testimony of seven witnesses: P14, P17, P52, P53, P54, P74, P77, P79, P91, P95, P111, P112, P124, P171, P482, P494 and P502.<sup>1</sup>

1. The Trial Chamber notes that since P14, P74 and P482 have already been admitted into evidence.<sup>2</sup> Moreover, P52, P53 and P54 were the subject of another motion of the Prosecution, filed on 25 September 2009, to add them to the exhibit list. The Chamber denied this motion in an oral decision on 30 September 2009.<sup>3</sup> The Motion is, therefore, moot with regard to these six documents. The Trial Chamber will consider the Motion only in respect of the remaining documents, which will be referred to as “MFI Documents”.<sup>4</sup>

2. On 15 February 2010, the Defence of Mićo Stanišić and the Defence of Stojan Župljanin (collectively, “Defence”) jointly responded (“Response”).<sup>5</sup> On 17 February 2010, the Prosecution sought leave to reply and filed a proposed reply (“Reply”).<sup>6</sup>

## I. SUBMISSIONS

### A. General submissions

3. The Prosecution submits it is in the interest of justice to add the MFI Documents to its exhibit list because they “are *prima facie* relevant and will assist the Trial Chamber in

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

<sup>2</sup> Redacted Defence response to Prosecution’s motion for leave to amend its Rule 65 *ter* exhibit list to add documents marked for identification, with annex, 17 Feb 2010, para. 8; Reply, para. 4 (referring to ST172, 21 Jan 2010, T. 5288); Prosecution’s motion for leave to reply and reply to Defence response to Prosecution motion for leave to amend its Rule 65 *ter* exhibit list to add documents marked for identification, 17 Feb 2010, para. 4 (referring to procedural discussion, 22 Jan 2010, T. 5414, though incorrectly citing the hearing date as 25 January 2010); P74 was admitted during the testimony of Nedjelko Đekanović, 7 Oct 2009, T. 1035.

<sup>3</sup> Prosecution’s motion for leave to amend Rule 65 *ter* exhibit list to add documents related to witness ST027, 25 Sep 2009; Oral ruling, 30 Sep 2009, T. 603-604.

<sup>4</sup> The Prosecution assigned provisional Rule 65 *ter* numbers 3398, 3407, 3413, 3414, 3415, 10102, 10106, 10107, 10108, 10109, 10123, 10124, 10128, 10142, 10227, 10229 and 10233 to the MFI Documents P14, P17, P52, P53, P54, P75, P77, P79, P91, P95, P111, P112, P124, P171, P483, P494 and P502, respectively.

<sup>5</sup> Defence response to Prosecution’s motion for leave to amend its Rule 65 *ter* exhibit list to add documents marked for identification, with annex, filed confidentially on 15 Feb 2010. On 17 February 2010, the Defence filed a redacted public version of the original filing as directed by the Trial Chamber, Redacted Defence response to Prosecution’s motion for leave to amend its Rule 65 *ter* exhibit list to add documents marked for identification, with annex, 17 Feb 2010.

understanding the testimony of the witnesses through whom the documents were tendered [...] as well as ultimately deciding the issues presented by this case”.<sup>7</sup> It argues that their addition “will not prejudice the Accused’s right to a fair trial.”<sup>8</sup> The Prosecution states that it seeks only to add the MFI Documents to its exhibit list and that, should the Trial Chamber grant the Motion, it will tender the documents “through either a future witness or a bar table motion.”<sup>9</sup>

4. The Prosecution submits that it disclosed the MFI Documents to the Defence “prior to tendering them at trial” and that the Defence, therefore, have “had sufficient opportunity to explore these exhibits with the witnesses through whom they were tendered, and will have the opportunity to do so with the Prosecution’s remaining witnesses.”<sup>10</sup> Furthermore, the Prosecution submits that the MFI Documents “are of a similar nature to those already on the Prosecution’s Rule 65 *ter* exhibit list, so that they do not introduce a new element of the Prosecution’s case.”<sup>11</sup>

5. The Prosecution asserts that it requested the Trial Chamber to mark the MFI Documents for identification to allow it to file a subsequent motion to add these documents to its exhibit list.<sup>12</sup> The Prosecution contends that in the interest of an “economical approach” to filing, it filed this Motion upon having accumulated a sufficient number of documents that had been marked for identification.<sup>13</sup>

6. Except for “a portion on P112,” P494 and P502, the Defence “objects to the Prosecution request for admission [of the MFI Documents] into evidence.”<sup>14</sup> It makes specific submissions arguing against the admission into evidence of each of the MFI Documents, which are addressed below in relation to individual documents.

7. In reply, the Prosecution submits that the Defence objections regarding admissibility are premature as the Prosecution is only seeking to add the MFI Documents to its exhibit list.<sup>15</sup>

## **B. P17 MFI**

8. The Prosecution submits that P17 “contains a key historical agreement reached between Karadžić and Mate Boban (leader of the HDZ ) in May 1992 regarding the division of BiH among

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<sup>6</sup> Prosecution’s motion for leave to reply and reply to Defence response to Prosecution motion for leave to amend its Rule 65 *ter* exhibit list to add documents marked for identification, 17 Feb 2010.

<sup>7</sup> Motion, para. 5.

<sup>8</sup> *Ibid.*

<sup>9</sup> Motion, para. 2; Reply, para. 2.

<sup>10</sup> Motion, para. 17.

<sup>11</sup> *Ibid.*

<sup>12</sup> Reply, para. 5.

<sup>13</sup> *Ibid.*

<sup>14</sup> Response, paras 1-8.

<sup>15</sup> Reply, para. 2.

the Serbs and Croats.”<sup>16</sup> The Prosecution contends that P17 is “directly related” to exhibit P16 and would, therefore, assist the Trial Chamber in understanding Robert Donia’s evidence on “the formation of the joint criminal enterprise and the political events leading up to and surrounding the conflict.”<sup>17</sup> The Prosecution notes that P17 was among 29 documents that were subject of a motion of 14 September 2009 to amend its exhibit list.<sup>18</sup>

9. The Defence contends that the Trial Chamber has already declared P17 inadmissible,<sup>19</sup> referring to an oral decision of 15 September 2009 (“Oral Decision”) disposing of the Prosecution motion of the previous day.<sup>20</sup> The Defence argues that the Prosecution makes no submission for reconsideration and “there is no basis for the Trial Chamber to reconsider its earlier decision.”<sup>21</sup>

10. In reply, the Prosecution asserts that the Trial Chamber “only held that the Prosecution could not seek to admit these exhibits through [Robert Donia]” and that, had the Trial Chamber ruled that the exhibits were inadmissible, “it presumably would not have granted the Prosecution request to mark them for identification.”<sup>22</sup>

### C. P77, P79, P91 and P95 MFI

11. The Prosecution submits that P77, P79, P91 and P95, which were tendered through Nedjelko Đekanović on 7-9 October 2009, were on the exhibit list that it filed on 16 February 2007 in the case against Mićo Stanišić.<sup>23</sup> It submits that it sought leave to remove the documents on 21 May 2008 because, at that time, the Prosecution did not have an “insider witness to authenticate and testify about them”.<sup>24</sup> The Prosecution contends that Nedjelko Đekanović was subsequently identified and added to its witness list, but that it “inadvertently failed to re-insert [...] P77, P79, P91 and P95 onto its exhibit list”.<sup>25</sup> The Prosecution submits that “the Defence has been on notice

<sup>16</sup> Motion, para. 6.

<sup>17</sup> *Ibid.*; Robert Donia, 16 Sep 2009, T. 394.

<sup>18</sup> *Id.*, para. 7, referring to Prosecution’s motion for leave to amend Rule 65 *ter* list of exhibits to add documents related to witness Robert Donia, 14 Sep 2009. The Trial Chamber notes that P17 was subject of the motion of 14 September 2009 but was rejected as it did not stem from chapters 4, 5 and 6 of Robert Donia’s expert report, which were found to be relevant.

<sup>19</sup> Response, para. 2.

<sup>20</sup> Prosecution’s Opening Statement, 15 Sep 2009, T. 334-336, whereby the Trial Chamber identified chapters 4, 5 and 6 of the report drawn up by Robert Donia as relevant to the case and found that only documents flowing from these three chapters would be added to the Prosecution’s exhibit list. It further ruled that the remaining documents from the report could not be admitted through Robert Donia.

<sup>21</sup> Response, para. 2.

<sup>22</sup> Reply, para. 3, citing Prosecution’s Opening Statement, 15 Sep 2009, T. 335.

<sup>23</sup> Motion, para. 12. See also *Prosecutor v. Mićo Stanišić*, Case No. IT-04-79-PT, Prosecution’s revised pre-trial brief, 16 Feb 2007.

<sup>24</sup> Motion, para. 12.

<sup>25</sup> *Ibid.* See also Prosecution’s pre-trial brief, 8 Jun 2009, Appendix 3, Appendix 7.

of these documents and their relevance to this case since at least February 2007, and therefore, any prejudice caused by their re-addition to the Prosecution's exhibit list would be minimal."<sup>26</sup>

12. The Defence objects to these documents on the ground that the Prosecution "not only indicated to the Accused that [it] would not be relying on these documents at trial [but] failed to give any notice that there would be any steps taken to re-instate these documents until now, some four months since [Nedjelko Đekanović] testified."<sup>27</sup>

13. In reply, the Prosecution argues that the Defence has been on notice of the relevance of the documents and the Prosecution's intent to use them since, "at the very latest [...] the Prosecution tendered them" through this witness.<sup>28</sup>

#### **D. P111, P112, P124, P171, P494 and P502 MFI**

14. The Prosecution submits that it discovered P111, P112, P124, P171, P482, P494 and P502 after it had filed its Rule 65 *ter* exhibit list, during its review of "ISU searches" conducted in preparation for the testimony of Branko Basara and Aleksandar Krulj.<sup>29</sup>

15. The Prosecution asserts that P111 was authenticated by Branko Basara and provides evidence concerning crimes committed in Sanski Most.<sup>30</sup> The Defence argues that P111 is not admissible and that the portion relevant to the testimony of Branko Basara "was read to him in court and has become a part of the record".<sup>31</sup>

16. The Prosecution asserts that P112 would help place the issues raised in Branko Basara's testimony in context given that it is "a contemporaneous document", which provides evidence concerning crimes committed in Sanski Most and Prijedor.<sup>32</sup> The Defence submits that "P112 is not admissible in its entirety" but that only the five lines that the witness was asked to read to himself and which he confirmed "reflected his opinion at the time" is admissible in order to "explain the answer he gave in court".<sup>33</sup>

17. The Prosecution submits that P124 is a "dispatch from SJB Sanksi Most to CSB Banja Luka" and provides evidence on the detention of non-Serbs at the SJB Building and the Krings

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<sup>26</sup> Motion, para. 12.

<sup>27</sup> Response, para. 5.

<sup>28</sup> Reply, para. 5.

<sup>29</sup> Motion, paras 13-16.

<sup>30</sup> Motion, para. 13.

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

<sup>32</sup> Motion, para. 13.

<sup>33</sup> Response, para. 5.

factory in August 1992.<sup>34</sup> The Prosecution asserts that “together with the testimony of [Milenko Delić] it shows that the police and military detained non-Serbs without due process, and that the Accused Župljanin and other members of the CSB leadership were aware of these detention facilities”.<sup>35</sup> The Defence submits that P124 is not admissible through Milenko Delić because “he was not asked whether he had ever seen this document, nor was he able to authenticate it”.<sup>36</sup>

18. The Prosecution submits that P171 is an article from the *Glas* newspaper, dated 1 April 1992, on a ceremonial inspection of the Bosnian Serb police in the Autonomous Region of Herzegovina.<sup>37</sup> The Prosecution asserts that the document “corroborates the testimony of [Aleksandar Krulj] regarding the presence of Accused Stanišić, as well as portions of Stanišić’s speech at this event.”<sup>38</sup> The Defence submits that P171, a newspaper article, is inadmissible because Aleksandar Krulj testified that the contents of the article were “a pure lie”.<sup>39</sup>

19. The Prosecution submits that P494 is a “1<sup>st</sup> Krajina Corps report requesting Manjača camp detainees to repair water pipes” and P502 is “a 1<sup>st</sup> Krajina Corps order signed on behalf of General Momir Talić requiring Manjača camp detainees to be used to reconstruct an orthodox church”.<sup>40</sup> The Prosecution asserts that both documents are examples of the use of Manjača camp detainees by the military and police for manual labour, which ST172 confirmed.<sup>41</sup> The Defence does not object to the admission into evidence of both P494 and P502.<sup>42</sup>

## II. APPLICABLE LAW

20. The Trial Chamber may grant any motion for an amendment to the Prosecution’s Rule 65 *ter* exhibit list if satisfied that to do so is in the interests of justice. Factors that may be taken into account in assessing the interests of justice include: (1) whether the Prosecution has shown good cause for the proposed addition and (2) has exercised due diligence; (3) the *prima facie* relevance and importance of the documents; (4) the possibility of undue delay in proceedings; (5) the repetitive or cumulative nature of the documents; (6) the stage of the proceedings; and (7) whether the Defence would suffer undue prejudice as a result of the amendment.<sup>43</sup> In this respect,

<sup>34</sup> Motion, para. 14.

<sup>35</sup> *Ibid.* See also Milenko Delić, 19 Oct 2009, T. 1570-1571.

<sup>36</sup> Response, para. 6; Milenko Delić, 19 Oct 2009, T. 1569-1571.

<sup>37</sup> Motion, para. 15.

<sup>38</sup> *Ibid.* See also Aleksandar Krulj, 28 Oct 2009, T. 2209-2211.

<sup>39</sup> Response, para. 8; Aleksandar Krulj, 28 Oct 2009, T. 2207-2213.

<sup>40</sup> Motion, para. 16.

<sup>41</sup> *Ibid.* See also ST172, 21 Jan 2010, T. 5305.

<sup>42</sup> Response, para. 8.

<sup>43</sup> *Prosecutor v. Milan Lukić and Sredoje Lukić*, Case No. IT-98-32/1-T, Decision on motion for leave to amend Prosecution’s list of witnesses, 29 Aug 2008 (“*Lukić Decision*”), paras 24-25; *Prosecutor v. Jadranko Prlić et al.*, Case No. IT-04-81-T, Decision on motion to amend witness and exhibit list, 16 Jan 2008, pp. 5-6; *Prosecutor v. Vujadin*

the Trial Chamber must balance the Prosecution's duty to present the available evidence to prove its case with the right of the accused to a fair and expeditious trial.<sup>44</sup>

21. The admission of evidence is subject to the general requirements of Rule 89(C) and (D), that is, the evidence must be relevant and have probative value which is not substantially outweighed by the need to ensure a fair trial.<sup>45</sup>

### III. DISCUSSION

22. The Prosecution presents its position on each document in the context of testimony of witnesses who provided relevant evidence as to the authenticity, reliability and provenance of the documents. In the Response, the Defence base their position on the admission into evidence of the documents rather than address whether the criteria for amendment of the Rule 65 *ter* exhibit list have been met. However, given that witnesses have already testified to the documents and that the Response addresses the Defence's position on their admission, the Trial Chamber will, in the interest of expediency and judicial economy, also consider whether the criteria of Rule 89(C) have been met for the admission of the documents into evidence.

23. As a preliminary matter, the Trial Chamber considers that the Prosecution's adoption of an "economical approach" in waiting to file the Motion after having accumulated a number of MFI documents runs contrary to the requirement to show due diligence for its request. It is also not in accordance with the Revised Guidelines issued by the Trial Chamber.<sup>46</sup> The Trial Chamber reminds the parties that "it is important for fair and expeditious proceedings that the parties discharge their responsibility towards an orderly and timely case management."<sup>47</sup>

#### A. P17 MFI

24. In the Oral Decision, the Trial Chamber ruled that P17 could not be admitted through Robert Donia as it neither stemmed from chapters 4, 5 or 6 of his report on "Bosnian Serb Leadership and the Siege of Sarajevo, 1990-1995", which the Trial Chamber had deemed to be the relevant part

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*Popović et al.*, Case No. IT-05-88-AR73.1, Decision on appeals against decision admitting material related to Borovčanin's questioning, 14 Dec 2007, paras 37-38.

<sup>44</sup> *Lukić* Decision, para. 23.

<sup>45</sup> *Prosecutor v. Stanislav Galić*, Case No. IT-98-29-AR73.2, Decision on interlocutory appeal concerning Rule 92 *bis*(C), 7 Jun 2002, para. 12.

<sup>46</sup> Order on revised guidelines on the admission and presentation of evidence, 2 Oct 2009 ("Revised Guidelines"), in particular para. 6 which reads "[m]aterial on a party's exhibit list may be requested to be admitted into evidence by that party. In the event that a party seeks to admit into evidence material that is not on its exhibit list, the party must, prior to requesting admission into evidence, seek the leave of the Trial Chamber by way of a written motion to add the material in question to the exhibit list".

<sup>47</sup> *Haradinaj* Decision, para. 7.

thereof, nor was it on the Rule 65 *ter* exhibit list.<sup>48</sup> Nevertheless, on 16 September 2009, the Prosecution presented P17 to Robert Donia for comment and the Trial Chamber marked the document for identification pending its addition to the Rule 65 *ter* list.<sup>49</sup>

25. The Trial Chamber is satisfied that P17 is *prima facie* relevant and probative to issues in this case, since it contains “a key historical agreement” in May 1992 regarding the division of Bosnia and Herzegovina between the Serbs and the Croats.<sup>50</sup> Upon review of its contents together with that of exhibit P16, the Trial Chamber is also satisfied that the two are directly related and provide a fuller understanding of the political events surrounding the conflict.<sup>51</sup> In the course of his testimony, Robert Donia commented that the only way the Serb and Croat leaders were able to arrive at the agreement that is the subject of P17 was “by excluding the Bosnian Muslims from the discussion completely”.<sup>52</sup> As result, the agreement “was subsequently denounced by the European Community negotiators who wanted any agreement to be between all three sides.”<sup>53</sup>

26. These new facts and arguments merit reconsideration of the Oral Decision in relation to P17. Accordingly, the Trial Chamber will grant the Motion in this respect. The Trial Chamber is also satisfied that P17 meets the requirements of Rule 89(C) and will therefore admit P17 into evidence.

#### **B. P77, P79, P91 and P95 MFI**

27. The Trial Chamber is satisfied that these documents are *prima facie* relevant and probative to issues in this case, as they relate to minutes from meetings of the Crisis Staff of the Municipal Assembly of Kotor Varoš, Bosnia and Herzegovina from June to August 1992.<sup>54</sup> The Prosecution inadvertently omitted to request their inclusion on its exhibit list after the addition of Nedjelko Đekanović as the insider witness capable of testifying about them. The Trial Chamber considers that the Prosecution failed to request timely addition of the documents.<sup>55</sup> However, given that the documents were disclosed to the Defence early in the pre-trial stage of the case, adding them to the list at this stage will not cause undue prejudice. Nedjelko Đekanović testified to the reliability and veracity of the contents of each of the documents, which the Trial Chamber notes was not challenged by the Defence either at the time of tendering<sup>56</sup> or during cross-examination.

<sup>48</sup> Prosecution’s Opening Statement, 15 Sep 2009, T. 335; Bosnian Serb Leadership and the Siege of Sarejevo, 1990-1995, prepared by Robert Donia, Ex. P32.

<sup>49</sup> Robert Donia, 16 Sep 2009, T. 394-395.

<sup>50</sup> Motion, para. 6.

<sup>51</sup> *Ibid.*

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.*

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

<sup>55</sup> *Prosecutor v. Popović et al.*, Case No. IT-05-88-AR73.1, Decision on appeals against decision admitting material related to Borovčanin’s questioning, 14 Dec 2007, para. 39.

<sup>56</sup> Nedjelko Đekanović, 8 Oct 2009, T. 1609, 1097; 9 Oct 2009, T. 1193, 1166.



Accordingly, the Motion will be granted in this respect. Moreover, given the evidence of Nedjelko Dekanović, the Trial Chamber is satisfied that the documents are relevant and probative. The documents will, therefore, also be admitted into evidence.

**C. P111, P112, P124, P171, P494 and P502 MFI**

28. P111 and P112 were presented to Branko Basara on 12 October 2009.<sup>57</sup> The Trial Chamber considers both documents to be *prima facie* relevant and probative to the issues in the case. The Trial Chamber also notes that the witness identified his own signature on P111, offered relevant testimony regarding his report on “the situation in Sanski Most”<sup>58</sup> and testified that P112, while not a “word for word” transcription of a speech he had given, was an accurate reflection of his opinion at the time.<sup>59</sup> The Trial Chamber considers both documents, supported by the testimony of Branko Basara, relevant and probative to the issues in the case. In view of the fact that the documents were disclosed to the Defence on 2 May 2008, the Trial Chamber holds that any prejudice caused by their late inclusion on the Prosecution’s exhibit list would be minimal.<sup>60</sup> The Trial Chamber will, therefore, grant the Motion in this respect. Having considered Branko Basara’s evidence, the Trial Chamber will also admit P111 and P112 into evidence.

29. P124 was presented to Milenko Delić on 19 October 2009.<sup>61</sup> While the Trial Chamber is satisfied that the document is *prima facie* relevant and probative to issues in this case, Milenko Delić testified that he was unaware of the detention facilities referred to in P124 and was unable to authenticate the document or provide relevant testimony in relation to it.<sup>62</sup>

30. P171 is a newspaper article that was presented to Aleksandar Krulj on 28 October 2009. The Stanišić Defence objected to its introduction at the time, in view of the fact that it is a media article that, according to the Prosecution, was used for war propaganda, and which, therefore, cannot be relied upon for the veracity of its contents.<sup>63</sup> Although the Trial Chamber is satisfied that the document is *prima facie* relevant and probative to issues in the case, Aleksandar Krulj, while giving evidence, did not authenticate P171.<sup>64</sup>

31. The Trial Chamber considers that the Prosecution did not act diligently in conducting a more thorough search of its documents archive prior to filing its Rule 65 *ter* list at the pre-trial

<sup>57</sup> Branko Basara, 12 Oct 2009, T. 1283-1290.

<sup>58</sup> *Id.*, T. 1284.

<sup>59</sup> *Id.*, T. 1287.

<sup>60</sup> *Id.*, T. 1287.

<sup>61</sup> Milenko Delić, 19 Oct 2009, T. 1569.

<sup>62</sup> Response, para. 7. See also Milenko Delić, 19 Oct 2009, T. 1570.

<sup>63</sup> Aleksander Krulj, 28 Oct 2009, T. 2208.

<sup>64</sup> *Id.*, T. 2210.

stage. The Trial Chamber further considers that the Motion offers no information as to when P124 and P171 were disclosed to the Defence. In order to ensure adequate protection of the rights of the Accused, it is not in the interest of justice to add P124 and P171 to the Prosecution's exhibit list and the Trial Chamber will deny the Motion in this respect.

32. P494 and P502 were presented to ST172 on 21 January 2010<sup>65</sup> and the Defence does not object to their addition.<sup>66</sup> P494 addresses the repair work on the water pipes at the Manjača camp by the detainees in July 1992, and P502 discusses the use of detainees from the Manjača camp for construction work in August 1992. ST172 testified that the use of prisoners for physical labour was approved on behalf of General Talić and that prisoners volunteered as it "was natural for people to want to be outside in the fresh air and have contact with other people".<sup>67</sup> The Trial Chamber is satisfied that both documents are relevant and probative to issues in the case. It will therefore grant their addition to the Prosecution's exhibit list and admit them into evidence.

#### IV. DISPOSITION

33. Pursuant to Rules 54, 65 *ter*, 89(C) and 89(D), the Trial Chamber:

**GRANTS** the Prosecution leave to reply and accepts the Reply on record;

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

**ADDS** to the Prosecution's Rule 65 *ter* exhibit list MFI Documents P17, P77, P79, P91, P95, P111, P112, P494 and P502;

**ADMITS** P17, P77, P79, P91, P95, P111, P112, P494 and P502 into evidence as exhibits;

**DENIES** the Motion in all other respects;

**AFFIRMS** the oral ruling of 30 September 2009; and

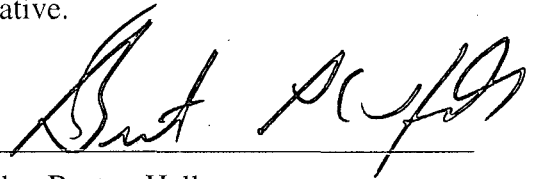
<sup>65</sup> ST172, 21 Jan 2010, T. 5305, 5315.

<sup>66</sup> Response, para. 9.

<sup>67</sup> *Ibid.*

**INSTRUCTS** the Registrar to mark not admitted the documents with MFI numbers P52, P53, P54, P124 and P171.

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



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Judge Burton Hall  
Presiding

Dated this fifteenth day of December 2010

At The Hague

The Netherlands

**[Seal of the Tribunal]**