

4-09-92-T
D62207 - D62195
19 June 2013

62207 vs.



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: 19 June 2013
Original: English

IN TRIAL CHAMBER I

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

Registrar: Mr John Hocking

Decision of: 19 June 2013

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

**DECISION ON PROSECUTION SIXTH MOTION TO ADMIT
WRITTEN STATEMENTS AND TRANSCRIPTS IN LIEU OF
ORAL TESTIMONY PURSUANT TO RULE 92 *BIS***

Office of the Prosecutor

Mr Dermot Groome
Mr Peter McCloskey

Counsel for Ratko Mladić

Mr Branko Lukić
Mr Miodrag Stojanović

I. PROCEDURAL HISTORY

1. On 28 September 2012, the Prosecution filed a motion pursuant to Rule 92 *bis* of the Tribunal's Rules of Procedure and Evidence ("Rules") seeking to admit into evidence material with regard to Witnesses Sadija Šahinović, Dženana Sokolović, Sabina Šabanić, Ramiza Kundo, and Rasema Menzilović ("Motion").¹ On 11 October 2012, the Defence filed a motion seeking an extension of 14 days to respond.² On 12 October 2012, in the absence of any objections from the Prosecution, the Chamber granted this extension.³ On 25 October 2012, the Defence filed its Response ("Response").⁴ On 1 November 2012, the Prosecution filed a request for leave to reply, including its reply ("Reply").⁵ On 5 November 2012, the Chamber granted leave to reply and informed the parties accordingly through an informal communication.

II. SUBMISSIONS OF THE PARTIES

2. The Prosecution requests that it be permitted to exceed the usual word limit for motions considering that the Motion addresses the evidence of five Rule 92 *bis* witnesses.⁶ The Prosecution contends that the evidence of all five witnesses is relevant and probative of issues in the instant case, that it is reliable, and that it does not address the acts or conduct of the Accused.⁷ The Prosecution also submits that calling the witnesses for cross-examination is unnecessary because, *inter alia*, all of the witnesses are either victims of scheduled incidents or eye-witnesses to those incidents and provide pure crime-base evidence which is cumulative of other evidence in the present case.⁸ In addition, the Prosecution argues that a significant portion of the evidence relates to the Scheduled Sniping Incidents that are covered by the adjudicated facts of which the Chamber has taken judicial notice.⁹

3. With regard to Witness Šahinović, the Prosecution seeks the provisional admission of two witness statements, one of which is pending the attestation process under Rule 92 *bis* of the Rules, excerpts of testimony from the *Prosecutor v. Stanislav Galić* ("Galić case"), and three associated

¹ Prosecution Sixth Motion to Admit Written Statements and Transcripts in Lieu of Oral Testimony Pursuant to Rule 92 *bis*, 28 September 2012.

² Defence Motion to Enlarge Time to Respond to Prosecution 6th Motion to Admit Evidence Pursuant to Rule 92 *bis*, 11 October 2012.

³ T. 4059.

⁴ Defence Response to Prosecution Sixth Motion to Admit Written Statement and Transcript in Lieu of Oral testimony Pursuant to Rule 92 *bis*, 25 October 2012.

⁵ Prosecution Request for Leave to Reply to Defence Response to Prosecution Sixth Rule 92 *bis* Motion, 1 November 2012.

⁶ Motion, para. 39.

⁷ Motion, paras 3-6.

⁸ Motion, paras 6, 15, 19, 26, 35, 38; Reply, para. 12.

⁹ Motion, paras 16, 24, 30, 32; Reply, paras 12-13.

exhibits.¹⁰ As for Witness Sokolović, the Prosecution seeks the provisional admission of a witness statement pending the attestation process under Rule 92 *bis* of the Rules, excerpts of testimony from the *Prosecutor v. Dragomir Milošević* (“*Milošević case*”), and two associated exhibits.¹¹ For Witness Šabanić, the Prosecution seeks admission of a Rule 92 *bis* package that is comprised of two witness statements with addendums and a corresponding Attestation and Declaration, extracts of testimony from the *Milošević case*, and one associated exhibit.¹² As for Witness Kundo, the Prosecution seeks the provisional admission of two witness statements pending the attestation process under Rule 92 *bis* of the Rules, extracts of testimony from the *Galić case*, as well as three associated exhibits.¹³ Finally, with regard to Witness Menzilović, the Prosecution seeks the provisional admission of two witness statements pending the attestation process under Rule 92 *bis* of the Rules, extracts from testimony in the *Galić case*, and two associated exhibits.¹⁴ The Prosecution avers that all associated exhibits comprise an “inseparable and indispensable part of the witnesses’ evidence”.¹⁵ Finally, the Prosecution submits that, in the above instances, proffering transcript excerpts of the witnesses’ previous testimonies is justified so as to avoid re-traumatizing the witnesses by providing further statements to the events they endured.¹⁶

4. The Defence opposes the Motion on seven grounds.¹⁷ First, the Defence objects to the arbitrary redactions in the proffered transcripts on the basis that this practice could be abused to provide a more beneficial reading of the testimony provided, and that verifying these redactions imposes an excessive burden on the Defence.¹⁸ The Defence urges the Chamber to provide guidelines on the use of redactions on transcripts tendered under Rule 92 *bis* of the Rules.¹⁹ Second, the Defence submits that the need for cross-examination of the witnesses in question is reinforced by the fact that they are the sole witnesses to provide evidence on particular scheduled incidents, and their evidence therefore goes to proof of critical elements of the Prosecution’s case, namely Scheduled Sniping Incidents F.3, F.5, F.12 and F.13.²⁰ Third, the Defence objects to the provisional admission of an uncertified and unsigned statement with regard to Witness Šahinović and further contends that the transcript depicts unclear testimony.²¹ Fourth, in light of inconsistencies between the witness’s statement and her testimony in Court, the Defence objects to the inclusion of the

¹⁰ Motion, paras 12-17.

¹¹ Motion, paras 22-23, 25.

¹² Motion, paras 28-29.

¹³ Motion, para. 37.

¹⁴ Motion, para. 32.

¹⁵ Motion, para. 8.

¹⁶ Motion, paras 8-9; Reply, para. 14.

¹⁷ Response, paras 7-22.

¹⁸ Response, para. 7.

¹⁹ Response, para. 9.

²⁰ Response, paras 10-12.

²¹ Response, paras 13-16.

evidence related to Witness Sokolović, or alternatively seeks authorisation from the Chamber to cross-examine her.²² In addition, while the Defence does not object thereto, it notes that the associated exhibit bearing Rule 65 *ter* no. 19016, a photograph of the witness's son lying dead on the pavement, is not mentioned in the portion of the transcript submitted by the Prosecution, while the associated exhibit bearing Rule 65 *ter* no. 10288, a photograph of Sarajevo marked by the witness, is only mentioned briefly.²³ With respect to the photograph of the witness's son, the Prosecution submits in its Reply that if the Chamber considers it necessary to include the corresponding reference in the transcript in order to admit it, it seeks leave to tender this additional excerpt.²⁴ Fifth, with regard to Witness Šabanić, the Defence objects to the admission of a redacted transcript which does not include any part of the witness's cross-examination, on the basis that the resulting prejudice against the Accused outweighs the probative value of the evidence.²⁵ Sixth, with regard to Witness Kundo, the Defence objects to the admission of two associated exhibits on the basis that these were not discussed during the portion of the transcript submitted by the Prosecution, or authenticated by the witness.²⁶ Finally, the Defence submits that the evidence of Witness Menzilović lacks probative value for the incident it aims to cover as she did not recall the exact date on which Fatima Osmanović was shot.²⁷

III. APPLICABLE LAW

5. The Chamber recalls and refers to the applicable law governing the admission of evidence pursuant to Rule 92 *bis* of the Rules, as set out in a previous decision.²⁸ With regard to the applicable law related to the admission of associated exhibits, the Chamber recalls and refers to one of its previous decisions dealing with this matter.²⁹

IV. DISCUSSION

(a) Preliminary Matters

6. The Chamber grants the Prosecution's request to exceed the word limit in the Motion considering the number of witnesses it needed to address therein.

²² Response, para. 17.

²³ Response, para. 18.

²⁴ Reply, para. 18.

²⁵ Response, para. 19.

²⁶ Response, para. 20.

²⁷ Response, paras 21-22.

²⁸ Decision on Prosecution Third Motion to Admit Evidence Pursuant to Rule 92 *bis*: Sarajevo Witnesses ("Decision on Third 92 *bis* Motion"), 19 October 2012, paras 5-8.

²⁹ Decision on Prosecution Motion to Admit the Evidence of Witness RM-266 Pursuant to Rule 92 *quater*, 22 July 2012, para. 13.

7. The Chamber grants the Prosecution's request for leave to tender an additional excerpt of Witness Sokolović's testimony from the *Milošević* case in relation to the admission of the photograph with Rule 65 *ter* no. 19016, given the limited number of pages considered, the absence of any Defence objection, and the fact that this excerpt provides context to the photograph.

The Chamber will now assess the admissibility of the evidence of Witnesses Šahinović, Sokolović, Šabanić, Kundo, and Menzilović under Rule 92 *bis* of the Rules.

(b) Admissibility

i. Attestations and Declarations

8. The statements of Witness Šabanić were submitted with the corresponding Attestations and Declarations pursuant to Rule 92 *bis* of the Rules. The statements of Witnesses Šahinović, Sokolović, Kundo, and Menzilović have no corresponding Attestation and Declaration as required by Rule 92 *bis* (B) of the Rules. Unattested witness statements have been provisionally admitted by this Chamber pending their formal attestation pursuant to Rule 92 *bis* (B) of the Rules.³⁰ In line with this practice, the Chamber will conditionally admit the unattested witness statements, pending the filing of the required Attestations and Declarations, provided that the necessary admissibility requirements are met.

ii. Relevance and Probative Value Pursuant to Rule 89 (C) of the Rules

9. The Chamber considers the evidence of Witnesses Šahinović, Sokolović, Šabanić, Kundo, and Menzilović relevant to a number of sniping incidents in Sarajevo, including Scheduled Sniping Incidents F.3, F.5, F.12, and F.13 of the Indictment.³¹ The Chamber therefore finds the evidence relevant to the allegations of extermination, murder, terror, and unlawful attacks on civilians and hence to Counts 5, 6, 9, and 10 of the Indictment.³²

10. Concerning the Defence objection to the proffered unsigned statement of Witness Šahinović, the Chamber notes that the Prosecution has coordinated with the Registry for the witness to be provided with her second statement for signature (and attestation) pursuant to Rule 92 *bis* of the Rules in the near future.³³ The Chamber further notes that the content of the statement, which consists of a mere two paragraphs, is addressed in, and consistent with the witness' previous

³⁰ Decision on Third 92 *bis* Motion, para. 27 and references cited therein.

³¹ Prosecution Submission of the Fourth Amended Indictment and Schedules of Incidents, 16 December 2011, Schedule F, Incidents 3, 5, 12, and 13.

³² Indictment, Counts 5, 6, 9, and 10.

³³ Reply, para. 16.

testimony in the *Galić* case.³⁴ As a result, the Chamber will conditionally admit the unsigned statement of Witness Šahinović, pending the filing of the respective Attestation and Declaration. In addition, the Chamber raises the Prosecution's attention to a factual error within the first of the two witness statements, dated 25 February 1996, where the witness's date of birth is recorded as 29 January 1996. The Chamber requests that the Prosecution rectify this inaccuracy when receiving the necessary Attestation and Declaration from Witness Šahinović.

11. With respect to the Defence objection concerning the reliability of the materials of Witness Sokolović, the Chamber is satisfied that, as indicated by the Prosecution in its Reply, the witness has difficulties distinguishing left from right, but that when she was asked to demonstrate where her son was at the time of the incident she consistently indicated that he was on her left.³⁵ Furthermore, the evidence of Witness Sokolović is consistent with the adjudicated facts taken judicial notice of by this Chamber, including adjudicated fact number 2317. The Trial Chamber notes that the testimony of Witness Sokolović in the *Milošević* case contains hearsay from an unidentified policeman.³⁶ Considering that the policeman is not identified and the witness does not provide any basis for the policeman's conclusion, the Chamber, although not redacting the transcript, will not consider this portion of the evidence. Taking the above into consideration, the Chamber does not find that the evidence provided by Witness Sokolović lacks reliability.

12. Concerning the statements of Witnesses Šabanić and Kundo, the Defence has not made any objections regarding their probative value. The Chamber finds that the evidence has probative value.

13. With regard to the Defence objection that the evidence of Witness Menzilović contains inconsistencies, the Chamber takes note of the clarifications provided in the Reply, in which the Prosecution explained that the alleged 'inconsistency' in fact relates to two separate events.³⁷ Having verified this to be the case, the Chamber consequently does not find that the evidence provided by Witness Menzilović lacks reliability.

14. On the basis of the foregoing, the Chamber finds that the statements of Witnesses Šahinović, Sokolović, Šabanić, Kundo, and Menzilović are probative in accordance with Rule 89 (C) of the Rules.

³⁴ *Prosecutor v. Stanislav Galić*, Case No. IT-98-29-T, ("*Galić* case") Transcript of 11 February 2002, T. 3417.

³⁵ Reply, para. 17; *Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/1-T, Transcript of 22 January 2007, T. 773, 784.

iii. Admissibility Pursuant to Rule 92 bis of the Rules

15. With regard to admissibility pursuant to Rule 92 bis of the Rules, the Defence has not argued, and the Chamber does not find, that the evidence of Witnesses Šahinović, Sokolović, Šabanić, Kundo, and Menzilović relate to the acts and conduct of the Accused. The Chamber considers that the evidence provided by the witnesses relates to the crime base part of the case, and is corroborated by other evidence already given, or reasonably expected to be given in the present case. The evidence of Witness Šahinović is cumulative to the evidence of Witness RM-147, and the expected testimony of Witness RM-125, which relates to the sniping incident on 11 July 1993, as well as the indiscriminate targeting of civilians in Sarajevo and the expulsion of non-Serbs from Grbavica more generally.³⁸ The evidence of Witness Sokolović is cumulative to the evidence of John Jordan.³⁹ Further, the evidence of Witness Šabanić is cumulative to the evidence of Dragan Mioković,⁴⁰ and the anticipated evidence of Witnesses RM-109 and RM-152.⁴¹ The statements of Witnesses Kundo and Menzilović both relate to Scheduled Sniping Incident F.5 and the Chamber has taken judicial notice of adjudicated facts 2260, 2262-2263, and 2265-2266, which also provide information on this incident. Further, the Chamber takes into account that it has already received extensive evidence on sniping incidents in Sarajevo.

16. With regard to the Defence submission that the witnesses in question are the sole witnesses to provide evidence on a particular scheduled incident, the Chamber maintains that, while a significant factor, the cumulative evidence of other witnesses forms simply one of the factors to be considered by the Chamber, in addition to the relevance, consistency, clarity, and reliability of the evidence in question. In addition, the Chamber notes that, as mentioned above, most of the witnesses in question are not the sole witnesses providing evidence on the scheduled incidents. Furthermore, the Chamber does not consider that there are any other factors against admitting the proffered witness statements pursuant to Rule 92 bis of the Rules.

17. For the above reasons, the witness statements of Witnesses Šahinović, Sokolović, Šabanić, Kundo, and Menzilović are conditionally admissible under Rule 92 bis of the Rules, pending the submission of all missing Attestations and Declarations.

³⁶ *Prosecutor v. Dragomir Milošević*, Case No. IT-98-29-1-T, Transcript of 22 January 2007, T. 792:18-23.

³⁷ Reply, para. 21.

³⁸ Prosecution Rule 65 ter Witness List, 10 February 2012 (Confidential) ("Prosecution Witness List"), pp. 222, 241; T. 1686-1756.

³⁹ T. 1777-1779; See also P127 (World&Nation Report showing Nermin Divović lying on the street known as Snipers Alley); P136 (Video of Scheduled Incident F12 – 00:12:20 to 00:13:36).

iv. Associated Exhibits

18. The Prosecution seeks the admission of a total of six associated exhibits with regard to Witnesses Šahinović, Šabanić, and Menzilović. Five of these associated exhibits consist of photographs and video stills, which the respective witnesses have marked or discussed during prior testimonies. The sixth exhibit is a video interview taken by ICTY investigator Barry Hogan on 14 September 2001, the day Witness Šahinović provided her second witness statement, and outlines where the witness was situated on the day of the sniping incident. The Chamber is of the view that the exhibits are an inseparable and indispensable part of the witnesses' testimony.

19. With regard to Witness Sokolović, the Chamber has addressed the concerns of the Defence regarding the associated exhibit bearing Rule 65 *ter* no. 19016 above.⁴² While the associated exhibit bearing Rule 65 *ter* no. 10288, the photograph of Sarajevo marked by the witness, is only mentioned briefly in the testimony submitted by the Prosecution, it nonetheless forms an inseparable and indispensable part of the witnesses' testimony.

20. With regard to Witness Kundo, the Defence objects to the admission of the associated exhibit bearing Rule 65 *ter* no. 10049 on the basis that it is not discussed in the portion of the transcript submitted, and the inclusion of the associated exhibit bearing Rule 65 *ter* no. 10482 on the basis of its authenticity.⁴³ The Defence did not raise any objections in respect of the third associated exhibit. The Chamber notes that reference is made to Rule 65 *ter* no. 10049 in her witness statement, dated 4 May 2001. With regard to Rule 65 *ter* no. 10482, the Chamber is satisfied that the marking on the photograph was made by ICTY Investigator Barry Hogan on the instruction of the witness.⁴⁴ Considering the admission of the three associated exhibits with regard to Witness Kundo, the Chamber is thus of the view that the exhibits are an inseparable and indispensable part of the witness's testimony.

21. In light of the foregoing, the Chamber finds that the requirements for admission have been met with respect to the associated exhibits of Witnesses Šahinović, Sokolović, Šabanić, Kundo, and Menzilović and will admit them into evidence. The Chamber will conditionally admit the exhibits associated with unattested witness statements, pending the fulfilment of all Rule 92 *bis* (B) requirements.

⁴⁰ T. 5954, 5973-5978, 6042-6045.

⁴¹ Prosecution Witness List pp. 222-223, 264.

⁴² See para. 4.

v. Compliance with Guidance

22. The Chamber notes that the Prosecution wishes to tender limited portions of the transcripts from previous cases, which supplement the evidence in the statements of Witnesses Šahinović, Sokolović, and Kundo. The Chamber finds that the tendering of this transcript evidence complies with the Chamber's Guidance.⁴⁵

23. The Chamber further recalls the guidance and interim instructions on tendering redacted transcripts and statements pursuant to Rule 92 *bis* of the Rules provided on 19 November 2012, and refers to this guidance in relation to the Defence objection on proffering redacted transcripts that do not include any part of the cross-examination, as with Witnesses Šabanić and Menzilović.⁴⁶ The Chamber recalls in particular that the tendering party is not required to submit a witness's testimony in its entirety.⁴⁷ Instead, only the portions of a transcript upon which the party seeks to rely should be tendered for admission, including any portions necessary for contextualizing or clarifying those portions.⁴⁸ In its response to such a motion, the other party should then include any portions it considers relevant to the proper understanding of the witness's testimony.⁴⁹ The Chamber notes that with regard to Witnesses Šabanić and Menzilović, the Defence neither included such portions in its Response, nor filed an amendment subsequent to an invitation thereto.⁵⁰ However, with regard to Witnesses Šahinović and Sokolović the Defence did refer to parts of their testimony as "equally important" to the rest of their testimony.⁵¹ The Chamber understands this to mean that the Defence tenders these portions into evidence. The Chamber therefore admits T. 3419:10-14 of the testimony of Witness Šahinović in the *Galić* case and T. 787:1-8 of the testimony of Witness Sokolović in the *Milošević* case.

V. DISPOSITION

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

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

GRANTS the Motion **IN PART**;

⁴³ Response, para. 20.

⁴⁴ *Galić* case, T. 6000-6001.

⁴⁵ T. 525-532.

⁴⁶ T. 5406-5408.

⁴⁷ T. 5406-5407; See also Decision on Prosecution Motion to Admit the Evidence of Witness RM-266 Pursuant to Rule 92 *quater*, 23 July 2012, para. 14.

⁴⁸ T. 5407.

⁴⁹ *Ibid.*

⁵⁰ T. 5407-5408.

⁵¹ Response, para. 8.

With respect to

(i) Sadija Šahinović (Witness RM-158)

CONDITIONALLY ADMITS into evidence

- a) the ICTY statement of Witness Sadija Šahinović dated 25 February 1996, bearing ERNs 0037-8952-0037-8954; and
- b) the ICTY statement of Witness Sadija Šahinović, dated 8 October 2001, bearing ERNs 0211-4349-0211-4349;

ADMITS into evidence

- a) The testimony of Witness Sadija Šahinović, dated 11 February 2002, in the case of *Prosecutor v. Stanislav Galić*, Case No. IT-98-29-T, T. 3413:18-21, 3414:12-21, 3415:18-3416:12, 3416:23-3418:13, 3418:22-3419:2, 3419:10-3420:10, 3420:9-10, 3422:9-12, 3423:22-23, 3424:1-7, 3424:8-21, 3427:24-3428:1, 3428:25-3429:2, 3433:21-3434:11, 3440:19-21, 3436:20-3437:4, 3442:4-7, 3448:20-24, and 3453:1-14;
- b) the video of Witness Sadija Šahinović and ICTY Investigator Barry Hogan, bearing Rule 65 *ter* no. 22311, at 1:24:12-1:31:33;
- c) the 360 degree photograph shot from approximate location of the victim at the time of the shooting, bearing Rule 65 *ter* no. 09945; and
- d) the annotated still photograph marked by Witness Sadija Šahinović in the case of *Prosecutor v. Stanislav Galić*, Case No. IT-98-29-T, bearing Rule 65 *ter* no. 23173.

(ii) Dženana Sokolović (Witness RM-162)

GRANTS LEAVE to the Prosecution to tender the additional excerpt of Witness Dženana Sokolović's prior testimony on 22 January 2007 in the case of *Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/1-T, which relates to Rule 65 *ter* no. 19016;

INSTRUCTS the Prosecution to upload into eCourt this additional excerpt listed above, namely T. 801-803.

CONDITIONALLY ADMITS into evidence

- a) the ICTY witness statement of Witness Dženana Sokolović, dated 14 November 1995, bearing ERNs 0036-0892-0036-0894; and
- b) the signed photocopy attached to Witness Dženana Sokolović's ICTY witness statement of 14 November 1995, showing her son lying across the side-walk, bearing Rule 65 *ter* no. 19016;

ADMITS into evidence

- a) the testimony of Witness Dženana Sokolović, dated 22 January 2007, in the case of *Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/1-T, T. 762:18-763:20, 766:1-767:1, 773:4-774:5, 774:10-17, 779:11-781:13, 783:21-786:4, 787:1-12, 792:18-23, 795:17-20, 796:23-797:4, 797:22-798:1, T. 801-803, 810:7-23 and , 812:19-24; and
- b) the photo of Sarajevo marked by Witness Dženana Sokolović during her testimony in the case of *Prosecutor v Dragomir Milošević*, Case No. IT-98-29/1-T, on 22 January 2007, bearing Rule 65 *ter* no. 10288.

(iii) Sabina Šabanić (Witness RM-156)

ADMITS into evidence

- a) the ICTY witness statement of Witness Sabina Šabanić, dated 16 November 1996, bearing ERNs 0675-5540-0675-5542, and an addendum, dated 24 April 2010, bearing ERNs 0675-5546-0675-5546;
- b) the corresponding Attestation and Declaration bearing ERNs 0675-5537-0675-5539;
- c) the ICTY witness statement of Witness Sabina Šabanić, dated 22 May 2006, bearing ERNs 0675-5550-0675-5555, and an addendum, dated 24 April 2012, bearing ERNs 0675-5562-0675-5562;
- d) the corresponding Attestation and Declaration bearing ERNs 0675-5547-0675-5549;
- e) the testimony of Witness Sabina Šabanić, dated 2 February 2007, in the case of *Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/1-T, T. 1447:22-1448:9, 1449:2-1449:8, and 1450:3-1451:7; and

- f) the photograph of Sarajevo marked by Witness Sabina Šabanić during her testimony in the case of *Prosecutor v. Dragomir Milošević*, on 2 February 2007, bearing Rule 65 *ter* no. 10311.

(iv) Ramiza Kundo (Witness RM-135)

CONDITIONALLY ADMITS into evidence

- a) the ICTY statement of Witness Ramiza Kundo, dated 4 May 2001, bearing ERNs 0203-0638-0203-0642; and
- b) the ICTY statement of Witness Ramiza Kundo, dated 30 October 2001, bearing ERNs 0212-4042-0212-4045;
- c) the hospital registration form issued by the surgical department within the Sarajevo University Clinical Centre for Witness Ramiza Kundo, bearing Rule 65 *ter* no. 10049; and
- d) the photograph marked by Witness Ramiza Kundo, bearing Rule 65 *ter* no. 10482;

ADMITS into evidence

- a) the testimony of Witness Ramiza Kundo, dated 22 March 2002, in the case of *Prosecutor v. Stanislav Galić*, Case No. IT-98-29-T, T. 5938:23-5939:14, 5942:3-8, 5945:4-5946:5, 5947:11-5949:7, 5956:19-5957:22, 5961:14-16, 5990:5-12, 5979:12-5981:12, 5990:5-12, and 6000:20-6001:17; and
- b) the 360 degree photograph discussed by Witness Ramiza Kundo in the case of *Prosecutor v. Stanislav Galić*, bearing Rule 65 *ter* no. 09945.

(v) Rasema Menzilović (Witness RM-140)

CONDITIONALLY ADMITS into evidence

- a) the ICTY statement of Witness Rasema Menzilović, dated 5 May 2001, bearing ERNs 0203-0644-0203-0644;
- b) the ICTY statement of Witness Rasema Menzilović, dated 1 November 2001, bearing ERNs 0212-4047-0212-4050; and

- c) the photograph discussed in Witness Rasema Menzilović's witness statement, dated 1 November 2001, bearing Rule 65 *ter* no. 10483;

ADMITS into evidence

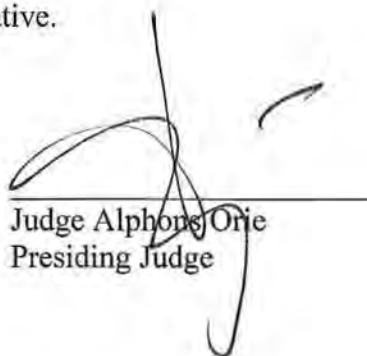
- a) the testimony of Witness Rasema Menzilović, dated 10 April 2002, in the case of *Prosecutor v. Stanislav Galić*, Case No. IT-98-29-T, T. 6980:7-6991:20, 6992:6-21, 6993:8-25, 6995:1-7, 6996:23-6997:4, 6998:2-22, 6999:7-7001:13, 7006:5-8, 7009:17-7010:5, 7010:17-7011:4, 7011:11-15, 7011:22-7012:4, 7012:20-22, 7014:8-19, 7058:14-21, 7059:12-25, and 7060:8-17; and
- b) the two photographs marked by Witness Rasema Menzilović during her testimony in the case of *Prosecutor v. Stanislav Galić*, bearing Rule 65 *ter* no. 09941;

INSTRUCTS the Prosecution to file the corresponding Attestations and Declarations to the statements of Witnesses Šahinović, Sokolović, Kundo, and Menzilović within four weeks of the filing of this decision;

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

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

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



Judge Alphonse Orić
Presiding Judge

Dated this Nineteenth day of June 2013
At The Hague
The Netherlands

[Seal of the Tribunal]