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10 December 2013

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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: 10 December 2013
Original: English

IN TRIAL CHAMBER I

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

Registrar: Mr John Hocking

Decision of: 10 December 2013

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

**CORRIGENDUM TO THE CHAMBER'S DECISIONS ON
10TH, 11TH, 12TH, 16TH, AND 21ST RULE 92 *BIS* MOTIONS**

Office of the Prosecutor

Mr Dermot Groome
Mr Peter McCloskey

Counsel for Ratko Mladić

Mr Branko Lukić
Mr Miodrag Stojanović

I. PROCEDURAL HISTORY AND SUBMISSIONS

1. The Chamber issued decisions on various Prosecution motions seeking to admit evidence pursuant to Rule 92 *bis* of the Tribunal's Rules of Procedure and Evidence ("Rules"), *inter alia*, on 26 August 2013 ("Tenth Decision"), 6 September 2013 ("Eleventh Decision"), 18 September 2013 ("Twelfth Decision"), 4 October 2013 ("Sixteenth Decision"), and 16 October 2013 ("Twenty-First Decision").¹

2. On 9 October 2013, the Prosecution filed a motion requesting an amendment to the Twelfth Decision ("First Motion").² On 28 October 2013, the Prosecution filed a motion requesting, *inter alia*, amendments to the Tenth Decision, Eleventh Decision, Sixteenth Decision, and Twenty-First Decision ("Second Motion").³ The Defence did not respond to these motions.

3. The Prosecution submits that, while it had attached the correct evidentiary material to its motions for admission into evidence, the charts summarising that evidence ("Summary Charts") contained incorrect references and, as a result, the wrong material was admitted in various decisions.⁴

II. DISCUSSION

4. When deliberating on the Prosecution's Rule 92 *bis* motions, the Chamber analysed the attached material as opposed to the material referenced in the Summary Charts. Accordingly, its findings related exclusively to that material. However, the Chamber observes that it inadvertently

¹ Decision on Prosecution Tenth Motion to Admit Evidence Pursuant to Rule 92 *bis*: Srebrenica, 26 August 2013; Decision on Prosecution Eleventh Motion to Admit Evidence Pursuant to Rule 92 *bis*, 6 September 2013; Decision on Prosecution's Twelfth Motion to Admit Evidence Pursuant to Rule 92 *bis*, 18 September 2013; Decision on Prosecution's Sixteenth Motion to Admit Evidence Pursuant to Rule 92 *bis*: VRS Personnel, 4 October 2013; Decision on Prosecution's Twenty-First Motion to Admit Evidence Pursuant to Rule 92 *bis*: VRS, Dutchbat, and Bosnian Muslim Witnesses, 16 October 2013.

² Prosecution Motion to Amend the Trial Chamber's Decision on Prosecution's 12th Rule 92 *bis* Motion to Conform with Corrected Summary Charts of 92 *bis* Witness Transcripts, 9 October 2013 (Confidential). The Prosecution also requested leave to upload the material subject of the Twelfth Decision beyond the 9 October 2013 deadline, see para. 8.

³ Prosecution Motion to Amend the Trial Chamber's Decisions on Prosecution's 10th, 11th, and 16th Rule 92 *bis* Motions and Corrigendum to the Prosecution's 21st and 25th Rule 92 *bis* Motions, 28 October 2013 (Confidential). See also Corrigendum to the Prosecution Motion to Amend the Trial Chamber's Decisions on Prosecution's 10th, 11th, and 16th Rule 92 *bis* Motions and Corrigendum to the Prosecution's 21st and 25th Rule 92 *bis* Motions, 29 October 2013 (Confidential).

⁴ First Motion, paras 3, 5-6; Second Motion, paras 3-6. The Chamber notes that the Prosecution included a summary chart for Witness Veljko Ivanović in Annex A to the First Motion despite the fact that the Twelfth Decision correctly described the admitted evidence for this witness.

replicated the errors contained in the Prosecution's Summary Charts in the dispositions of some of its decisions. As a result, the Chamber hereby corrects the relevant dispositions.

III. DISPOSITION

5. For the foregoing reasons, the Chamber

GRANTS the Prosecution's motions to amend the Tenth Decision, Eleventh Decision, Twelfth Decision, Sixteenth Decision, and Twenty-First Decision;

ORDERS that the Tenth Decision's disposition should read as follows in relation to Witness RM-268's prior testimony in the *Popović et al.* case:

ADMITS into evidence, **UNDER SEAL**, excerpts of the testimony of Witness RM-268 dated 9, 12, and 13 March 2007 in the *Popović et al.* case, Case No. IT-05-88-T, T. 8563:18-8564:25, 8565:19-8569:25, 8570:1-8574:15, 8575:6-8576:10, 8576:24-8581:5⁵, 8581:9-12, 8581:17-18, 8581:23-24, 8582:3-8586:3⁶, 8586:9-8587:23, 8588:8-16, 8589:15-8590:4, 8591:9-20, 8592:4-8593:5, 8598:22-8600:13, 8600:14-22, 8600:23-8601:16, 8601:18-25, 8602:3-12, 8603:17-8604:15⁷, 8604:22-8605:17, 8606:18-8607:10, 8607:19-8609:14, 8614:3-8616:6, 8618:6-8621:6, 8621:11-8622:7, 8622:8-8623:2, 8623:15-21, 8623:25-8624:12, 8624:16-8625:18, 8625:25-8626:11, 8626:15-8628:9, 8628:22-8634:15, 8634:16-8636:11, 8637:3-7, 8637:12-8639:1, 8639:5-8644:18⁸, 8644:24-8645:24, 8648:2-5, 8648:6-8649:11, 8650:17-8651:3, 8699:3-10, 8699:25-8703:19, 8705:6-16, 8735:21-8736:3;⁹

ORDERS that the Eleventh Decision's disposition should read as follows in relation to Witness RM-336's prior testimony in the *Popović et al.* case:

ADMITS into evidence, **UNDER SEAL**, the excerpts of the testimony of Witness RM-336 dated 16-17, and 20 November 2006 in the *Popović et al.* case, Case No. IT-05-88-T, T. 4074:21-4075:14, 4076:18-4080:16, 4080:24-4081:23, 4082:7-10, 4083:2-4084:17,

⁵ With the exception of portions of lines 7 and 8 of T. 8580 (as redacted), see Prosecution's Tenth Motion to Admit Evidence Pursuant to Rule 92 *bis*: Srebrenica (VRS Military Police and RS MUP), 20 December 2012 (Confidential) ("Tenth Motion"), Annex B.

⁶ With the exception of portions of lines 21 and 22 of T. 8585 (as redacted), see Tenth Motion, Annex B.

⁷ With the exception of portions of line 20 of T. 8603 (as redacted), see Tenth Motion, Annex B.

⁸ With the exception of portions of lines 18 and 19 of T. 8641 (as redacted) and lines 1 and 2 of T. 8642 (as redacted), see Tenth Motion, Annex B.

⁹ The Chamber notes that a slightly different version of this testimony was already assigned exhibit number P2176.

4087:10-4093:23¹⁰, 4094:8-4095:10, 4096:25-4098:4, 4099:1-4100:11, 4101:12-4104:24, 4106:1-4107:3, 4107:15-4109:2, 4109:10, 4109:16-18, 4109:23-4112:16, 4113:2-4116:7, 4117:1-4119:23, 4120:6-4122:3, 4122:21-4146:4, 4146:24-4151:6, 4163:5-4164:2;

ORDERS that the Twelfth Decision's disposition should read as follows in relation to Witness RM-260's prior testimony in the *Blagojević & Jokić* case:

ADMITS into evidence, **UNDER SEAL**, excerpts of the testimony of Witness RM-260 dated 20 April 2004 in the *Blagojević & Jokić* case, Case No. IT-02-60-T, T. 7860:7, 7860:11-18, 7861:7-7878:18, 7879:3-7890:10, 7893:19-7894:18, 7901:16-20, 7902:6-13, 7904:6-7905:2, 7908:20-7909:7, 7909:10-21, 7909:24-7910:1, 7910:10-22, 7915:24-7918:24, 7920:10-7924:16;

ORDERS that the Twelfth Decision's disposition should read as follows in relation to Witness RM-260's prior testimony in the *Popović et al.* case:

ADMITS into evidence, **UNDER SEAL**, excerpts of the testimony of Witness RM-260 dated 19 November 2007 in the *Popović et al.* case, Case No. IT-05-88-T, T. 17847:16, 17847:24-17848:1, 17848:12-17853:6, 17864:4-17869:13, 17875:21-17877:17, 17887:20-17891:1, 17919:18;

ORDERS that the Twelfth Decision's disposition should read as follows in relation to Witness RM-260's prior testimony in the *Karadžić* case:

ADMITS into evidence, **UNDER SEAL**, excerpts of the testimony of Witness RM-260 dated 7 February 2012 in the *Karadžić* case, Case No. IT-95-5/18-T, T. 24218:17-23, 24219:10-23, 24220:1-15, 24220:21-24222:9;

ORDERS that the Twelfth Decision's disposition should read as follows in relation to witness Dragan Jović's prior testimony in the *Popović et al.* case:

ADMITS into evidence the testimony of Witness Dragan Jović dated 21 November 2007 in *Popović et al.* Case No. IT-05-88-T, T. 18045:11, 18045:25-18048:7, 18048:11-18050:17, 18050:21-18057:14, 18057:19-18062:16, 18063:8-18068:5, 18080:10-18081:4, 18082:16-18083:11, 18093:6;

ORDERS that the Twelfth Decision's disposition should read as follows in relation to Witness RM-285's prior testimony in the *Popović et al.* case:

¹⁰ The Prosecution incorrectly stated in its Second Motion that this excerpts ends at line 24.

ADMITS into evidence, **UNDER SEAL**, the testimony of Witness RM-285 dated 25 March 2009 in the *Popović et al.* case, Case No. IT-05-88-T, T. 32778:2-4, 32778:25-32784:10, 32784:11-16, 32784:17-25, 32785:2-32786:23, 32787:1-32788:8, 32788:10, 32788:12-32790:21, 32791:7-32799:18, 32801:7;

ORDERS that the Twelfth Decision's disposition should read as follows in relation to witness Damjan Lazarević's prior testimony in the *Popović et al.* case:

ADMITS into evidence the testimony of Damjan Lazarević dated 29 and 30 August 2007 in the *Popović et al.* case, Case No. IT-05-88-T, T. 14429:7; 14429:19-14433:17, 14434:9-14442:2, 14442:5-14446:20, 14447:5-14449:16, 14449:25-14477:1, 14477:3-12, 14477:14-14478:8, 14478:24-14480:1, 14480:2-15, 14480:18-24, 14481:1-14487:13, 14487:24-14488:17, 14489:10-14491:8, 14498:20; 14499:20-14500:1, 14507:22-14508:18, 14509:8-13, 14510:14-18, 14512:10-14513:11, 14518:2-16, 14522:19-14523:4, 14527:15-14530:5, 14532:3-14533:25, 14534:6;

ORDERS that the Twelfth Decision's disposition should read as follows in relation to Witness RM-308's prior testimony in the *Blagojević & Jokić* case:

ADMITS into evidence the testimony of Witness RM-308 dated 3 and 4 December 2003 in the *Blagojević & Jokić* case, Case No. IT-02-60-T, T. 5588:11, 5588:16-19, 5589:19-5607:24, 5608:14-5609:14, 5609:22-5616:6, 5617:1-4, 5617:20, 5620:15-5622:9, 5625:4-11, 5634:12-5635:6, 5636:1;

ORDERS that the Twelfth Decision's disposition should read as follows in relation to Witness RM-339's¹¹ prior testimony in the *Blagojević & Jokić* case:

ADMITS into evidence the testimony of Witness RM-339 dated 1 December 2003 in the *Blagojević & Jokić* case, Case No. IT-02-60-T, T. 5357:1-4, 5357:21, 5357:25-5358:2, 5358:7-5384:19, 5385:2-5404:11, 5404:24, 5406:15-5407:23, 5408:3-19, 5409:22-25, 5410:3-13, 5412:22-5413:17, 5419:2-16, 5425:1, 5429:25;

ORDERS that the Twelfth Decision's disposition should read as follows in relation to witness Milenko Tomić's prior testimony in the *Popović et al.* case:

ADMITS into evidence the testimony of Milenko Tomić dated 5 February 2008 in the *Popović et al.* case, Case No. IT-05-88-T, T. 20995:17, 20995:20-20996:2, 20996:13-

¹¹ See also T. 17402 in relation to protective measures for this witness.

21014:18, 21016:20-21017:20, 21018:18-21020:19, 21021:16-20, 21023:7-21024:1, 21028:4;

ORDERS that the Sixteenth Decision's disposition should read as follows in relation to witness Mitar Lazarević's prior testimony in the *Popović et al.* case:

ADMITS into evidence **UNDER SEAL** the following: the tendered transcript excerpts from the *Popović et al.* case: T. 13356:4-6, 13357:1-13363:17, 13364:4-13365:14, 13365:21-13368:3, 13372:3-13380:16, 13381:10-13382:16, 13388:11-13389:15, 13393:2-20, 13393:25-13394:23, 13395:2-6, 13395:12-13396:10, 13396:17-13397:14, 13398:14-13399:1, 13399:19-13400:5, 13400:13-17, 13442:12¹²;

ORDERS that the Sixteenth Decision's disposition should read as follows in relation to witness Mitar Lazarević's prior testimony in the *Tolimir* case:

ADMITS into evidence **UNDER SEAL** the following: the tendered transcript excerpts from the *Tolimir* case: T. 8511:1-3, 8515:10-8517:13, 8518:6-8521:5, 8521:10-24, 8522:17-8523:24, 8524:23-8525:17, 8525:24-8529:22¹³, 8530:5-7, 8530:11-8531:6, 8531:10-21¹⁴, 8533:11-18;

ORDERS that the Sixteenth Decision's disposition should read as follows in relation to witness Slavko Perić's prior testimony in the *Popović et al.* case:

ADMITS into evidence **UNDER SEAL** the following: the tendered transcript excerpts from the *Popović et al.* case: T. 11360:6-8, 11364:15-11365:21, 11366:15-11372:22¹⁵, 11373:10-11378:14, 11378:23-11385:21, 11386:16-22, 11387:11-11388:16, 11389:18-11390:5, 11390:24-11394:8, 11394:16-11402:18, 11403:24-11407:4, 11407:19-11409:6, 11409:14-11411:17, 11413:4-11414:7, 11414:11-11418:17, 11429:23-11430:5, 11432:15-11437:13;

ORDERS that the Sixteenth Decision's disposition should read as follows in relation to witness Lazar Ristić's prior testimony in the *Popović et al.* case:

¹² The Prosecution incorrectly stated in its Second Motion that this transcript page is 13342.

¹³ With the exception of parts of line 16 of T. 8526 (as redacted), see Prosecution Sixteenth Motion to Admit Evidence Pursuant to Rule 92 *bis*: VRS Personnel, 14 February 2013 (Confidential) ("Sixteenth Motion"), Annex B.

¹⁴ The Prosecution included a broader portion of the prior testimony in its Second Motion which was not attached in Annex B of the Sixteenth Motion.

¹⁵ With the exception of parts of line 21 of T. 11369 (as redacted) and parts of line 17 of T. 11371 (as redacted), see Sixteenth Motion, Annex B.

ADMITS into evidence the following: the tendered transcript excerpts from the *Popović et al.* case: T. 10032:1, 10032:25, 10033:10-12, 10034:14-10037:3¹⁶, 10037:15-10039:12¹⁷, 10040:6-10049:15, 10050:12-15, 10051:3-8, 10058:10-10062:19, 10063:1-10064:9, 10067:9-10077:4, 10077:10-10078:22, 10080:15-10089:22¹⁸, 10090:1-10092:3, 10100:17-10101:13, 10106:6-10107:7, 10107:14-22, 10203:23-10205:10;

ORDERS that the Sixteenth Decision's disposition should read as follows in relation to witness Lazar Ristić's prior testimony in the *Tolimir* case:

ADMITS into evidence the following: the tendered transcript excerpts from the *Tolimir* case: T. 9235:2-17, 9245:1-8, 9249:20-9256:21, 9257:10-9263:17;

ORDERS that the Twenty-First Decision's disposition should read as follows in relation to witness Mihajlo Galić's prior testimony in the *Popović et al.* case:

ADMITS into evidence excerpts of testimony of Mihajlo Galić in *Prosecutor v. Popović et al.*, dated 25-27 April 2007, Case No. IT-05-88-T, T. 10491:14-17, 10492:3-10503:25, 10544:22-10545:8, 10546:11-10547:14, 10567:12-15, 10580:9-10582:18, 10584:19-10585:15, 10587:15-10588:14, 10597:4-10598:20, 10619:10-21, 10622:7-19, 10624:10-18, 10625:22-10626:21, 10627:5-18, 10638:22-10639:17, and 10658:10-10661:16;

ORDERS that the Twenty-First Decision's disposition should read as follows in relation to witness Danko Gojković's interview with the Prosecution:

ADMITS into evidence the recorded Interview of Danko Gojković, dated 16 May 2006, T000-4309-T000-4309, pp. 1:1-9:21, 10:1-6, 10:18-28, 11:7-13, 11:21-26, 12:17-13:26, 14:6-15:21, 16:5-11, 16:16-17:19, 18:4-10, 18:19-28:6;

INSTRUCTS the Prosecution to verify whether the uploaded versions correspond with the above and, to the extent they have not yet been uploaded or incorrectly uploaded, upload the admitted documents within three weeks of this decision; and

¹⁶ With the exception of T. 10036 lines 16-18 (as redacted), see Sixteenth Motion, Annex B.

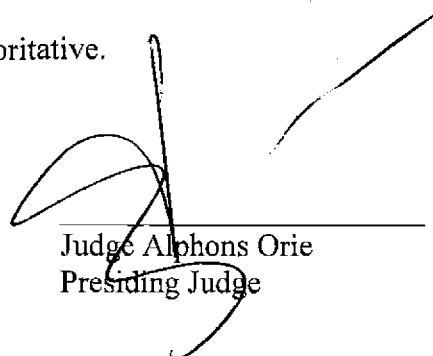
¹⁷ The Prosecution incorrectly stated in its Second Motion that the transcripts attached to the Sixteenth Motion contained lines 9 to 14 of T. 10037.

¹⁸ With the exception of parts of lines 18 and 19 of T. 10080 (as redacted) and lines 19-20 of T. 10081 (as redacted), see Sixteenth Motion, Annex B.

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INSTRUCTS the Registry to replace exhibit P2176 with the corrected version of Witness RM-268's prior testimony in the *Popović et al.* case, once uploaded.

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



Judge Alphons Orié
Presiding Judge

Dated this tenth day of December 2013
At The Hague
The Netherlands

[Seal of the Tribunal]