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D 20775 - D 20763
26 February 2014

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**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-09-92-T
Date: 26 February 2014
Original: English

IN TRIAL CHAMBER I

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

Registrar: Mr John Hocking

Decision of: 26 February 2014

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

SECOND OMNIBUS DECISION

Office of the Prosecutor

Mr Dermot Groome
Mr Peter McCloskey

Counsel for Ratko Mladić

Mr Branko Lukić
Mr Miodrag Stojanović

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1. The Chamber remains seized of several administrative and evidentiary matters. With a view to disposing of these matters, the Chamber considers it appropriate to issue the following omnibus decision. This is the last evidentiary decision during the Prosecution's case.¹ The Prosecution already rested its case on 24 February 2014.²

A. Decision on Prosecution Motion to Tender Demonstrative Exhibit

2. On 13 January 2014, the Chamber filed a public decision related to military justice documents, which was reclassified to confidential pursuant to the Chamber's decision of 14 February 2014.³ In order to comply with the Chamber's instructions in the decision of 13 January 2014, the Prosecution filed a motion on 4 February 2014 tendering into evidence a table of concordance.⁴ The Prosecution submits that the table is tendered for the clarity of the record as a demonstrative exhibit in order to reflect the relationship between the page numbers of a newly uploaded document admitted in the decision and the corresponding page references to the original document on the trial record.⁵ On 18 February 2014, the Defence filed its response, not objecting to the motion.⁶ For the clarity of the trial record and pursuant to Rule 89 (C) of the Tribunal's Rules of Procedure and Evidence ("Rules"), the Chamber **GRANTS** the motion, **ADMITS** into evidence the table of concordance bearing Rule 65 *ter* number 30606 **UNDER SEAL**, and **INSTRUCTS** the Registry to assign an exhibit number to the admitted document and to inform the Parties and the Chamber of the number so assigned.

B. Decisions related to 21st Rule 92 *bis* Motion

3. On 16 October 2013, the Chamber issued its decision on the Prosecution's 21st motion to admit evidence pursuant to Rule 92 *bis* of the Rules.⁷ The Chamber wishes to clarify some matters in relation to this decision. Due to a clerical error in the disposition of the decision, the Chamber admitted the document bearing Rule 65 *ter* number "5383" instead of the document bearing Rule 65 *ter* number "5838". The Chamber hereby corrects that error. The Chamber also admitted a portion

¹ This is true with four exceptions: (1) a decision on the Prosecution motion to tender additional pages of Rule 65 *ter* number 7651 filed on 24 February 2014; (2) a decision on the motion to add and admit the proof of death document bearing Rule 65 *ter* number 30607 filed on 14 February 2014; (3) a decision on the Prosecution's second residual bar table motion filed on 24 February 2014; and (4) a decision on the Prosecution's informal request of 25 February 2014 to supplement exhibit P2705 with two pages of revisions. The Chamber will rule on these matters in due course.

² Prosecution Notice of the Close of its Case-in-Chief, 24 February 2014.

³ First Omnibus Decision, 14 February 2014, para. 2.

⁴ Prosecution Motion to Tender Demonstrative Exhibit, 4 February 2014, (Confidential) ("Demonstrative Exhibit Motion").

⁵ Demonstrative Exhibit Motion, paras 2-3.

⁶ Defence Response to the Prosecution's Motion to Tender Demonstrative Exhibit, 18 February 2014 (Confidential).

⁷ Decision on Prosecution's Twenty-First Motion to Admit Evidence Pursuant to Rule 92 *bis*: VRS, Dutchbat, and Bosnian Muslim Witnesses, 16 October 2013.

of the document bearing Rule 65 *ter* number 4319, namely ERNs 0034-2270-0034-2271, 0034-2274-0034-2276, and 0034-2313. All these references to “0034” should have been to “0084” and this is hereby corrected. In addition, all of these portions, except for the last page, were previously admitted as P1495. Accordingly, the Chamber **INSTRUCTS** the Prosecution to upload under a separate Rule 65 *ter* number a new version of exhibit P1495 which includes the previously admitted page with the ERN 0084-2313. The Chamber **INSTRUCTS** the Registry to then replace P1495 with the newly uploaded version.

C. Decisions Related to 31st Rule 92 *bis* Motion

4. On 13 February 2014, the Chamber issued its decision on the Prosecution’s 31st Rule 92 *bis* motion, whereby it admitted several exhibits associated to the statements or previous testimony of seven witnesses.⁸ In the disposition of this decision, the Chamber inadvertently omitted to include the admission of the document bearing Rule 65 *ter* number 29032, which was tendered as an associated exhibit to witness Charles Kirudja’s evidence. On 24 February 2014, through an informal communication, the Prosecution withdrew the tendering of this document, which is hereby on the record.⁹

5. The document bearing Rule 65 *ter* number 6641 was admitted from the bar table, while the disposition listed it as an associated exhibit. The Chamber hereby clarifies that the document bearing Rule 65 *ter* number 6641 has been admitted from the bar table.

6. The document bearing Rule 65 *ter* number 10772, a Republic of Serbian Krajina municipal crisis staff order of 8 July 1992 in relation to the departure of Muslims, was denied as an associated exhibit to the evidence of witness Kirudja. The Prosecution had requested that in the alternative, this document be admitted from the bar table.¹⁰ The Chamber considers that the Prosecution has shown the document’s relevance and probative value and how it fits into its case. Accordingly, pursuant to Rule 89 (C) of the Rules, the Chamber **ADMITS** the document bearing Rule 65 *ter* number 10772 from the bar table and **INSTRUCTS** the Registry to assign an exhibit number to the document and inform the Chamber and the Parties of the assigned number.

7. The Prosecution tendered Ahmet Zulic’s witness statement under seal. When the Chamber admitted the document into evidence, it did not specify that it should be admitted under seal. The

⁸ Decision on Prosecution 31st Motion to Admit Evidence Pursuant to Rule 92 *bis*, 13 February 2014.

⁹ The Prosecution also requested that the document be “unreleased” from eCourt due to a Rule 70 matter. The Chamber allows the Prosecution to delete this document from eCourt and notes the Prosecution’s withdrawal of this document from its Rule 65 *ter* exhibit list.

¹⁰ Prosecution 31st Motion to Admit Evidence Pursuant to Rule 92 *bis*, 1 July 2013, para. 30.

Chamber therefore **INSTRUCTS** the Registry to classify as confidential the document with ERNs 0674-4987-0674-5024.

8. Lastly, the Chamber declared the tendering of the document bearing Rule 65 *ter* number 22302A moot, as the document appeared to be included in exhibit P157. On 14 February 2014, through an informal communication, the Prosecution clarified that while the transcript of the video is the same, a short part of the actual video bearing Rule 65 *ter* number 22302A is not included in exhibit P157. Having reviewed the document, the Chamber considers it to form an inseparable and indispensable part of Ahmet Zulić's statement, **ADMITS** the document bearing Rule 65 *ter* number 22302A into evidence, and **INSTRUCTS** the Registry to assign an exhibit number to the document and inform the Chamber and the Parties of the assigned number.

D. Decisions Related to Military and Residual Documents Bar Table

9. On 13 February 2014, the Chamber issued its decision on the Prosecution's motion for the admission of documents from the bar table (military and residual documents).¹¹ The Chamber hereby makes two technical corrections to its disposition in this decision. Paragraph 26 (v) should read "**ADMITS** into evidence **PROVISIONALLY UNDER SEAL** the remainder of the documents listed in Annex A of the Motion, subject to paragraphs 5 and 6 *and footnote 14*".¹² In relation to paragraph 26 (vii), the Registry is hereby instructed to replace exhibit P3075 with the newly uploaded version bearing Rule 65 *ter* number 17293b.

E. Decision on Admission of Evidence Related to Witness Milan Babić

10. On 13 February 2014, the Chamber issued its decision on the Prosecution's motion for admission of the evidence of RM-518 (Milan Babić) pursuant to Rule 92 *quater*.¹³ In paragraph 23 (iv) line 5, the admitted portion should read "13062:11-13062:25" instead of "1362:11-13062:25". This correction is hereby placed on the record.

11. The Chamber also found the associated exhibits bearing Rule 65 *ter* numbers 7449 and 8727 to be inadmissible as associated exhibits, but inadvertently admitted them in the decision's

¹¹ Decision on the Prosecution's Motion for Admission of Documents from the Bar Table (Military and Residual Documents), 13 February 2014.

¹² Footnotes omitted and emphasis added.

¹³ Decision on the Prosecution's Motion for Admission of the Evidence of RM-518 (Milan Babić) Pursuant to Rule 92 *quater*, 13 February 2014.

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disposition.¹⁴ The Chamber hereby clarifies that it **DENIES** the admission of the documents bearing Rule 65 *ter* numbers 7449 and 8727.

F. Matters Related to Decision on the Admission of Intercepts and Authentication Charts

12. On 31 October 2013, in connection with the testimony of Witness RM-507, the Prosecution tendered two charts into evidence (“Authentication Charts”).¹⁵ On 30 January 2014, the Prosecution filed a motion, tendering redacted versions of the Authentication Charts.¹⁶ On 6 February 2014, the Chamber issued its decision on the admission of intercepts and authentication charts, whereby it admitted into evidence, *inter alia*, the redacted versions of the Authentication Charts. On 12 February 2014, the Defence filed its response. The Chamber notes that the Prosecution filed the motion containing the redacted versions of the Authentication Charts solely pursuant to the instructions of the Chamber.¹⁷ The Chamber also recalls that in its decision, it stated that the redacted versions of the Authentication Charts were relevant and of probative value for the purpose of admission and therefore admitted them into evidence pursuant to Rule 89 (C) of the Rules.¹⁸ Under these circumstances, the Chamber proceeded with issuing the decision before a response had been filed. Nonetheless, the Chamber reviewed the response and considered whether it would justify a reconsideration of the decision. The Chamber finds that the arguments the Defence raises were either already considered in the decision or lacked accuracy, and will therefore not reconsider the decision.¹⁹

13. In addition, the Chamber noticed an incorrect English translation for one of the intercepts which was admitted in the decision (P2760). The Prosecution informally communicated to the Chamber that the correct English translation is now uploaded into eCourt under Document ID 0308-0717-1. The Chamber therefore **INSTRUCTS** the Registry to replace the current English translation of P2760 with the revised one.

14. Furthermore, in its decision of 6 February 2014, the Chamber instructed the Prosecution to indicate which of the admitted intercepts and Authentication Charts may be made public. On 20

¹⁴ Decision on Prosecution’s Motion for Admission of the Evidence of RM-518 (Milan Babić) pursuant to Rule 92 *quater*, paras 20, 23 (vi).

¹⁵ T. 18547, 18552.

¹⁶ Prosecution Motion to Tender Redacted Authentication Charts in Relation to RM507, 30 January 2014 (Confidential), paras 6-11, 14.

¹⁷ T. 20102-20103.

¹⁸ See Decision, paras 24-26.

¹⁹ The Defence submitted that the charts had not been put to witnesses. In fact, the charts were testified to at length by Witness RM-507.

February 2014, the Prosecution filed a notice whereby it informed the Chamber that only the Authentication Charts and exhibits P2641 and P2644 should retain their confidential status and provided reasons for its position in that respect.²⁰ The Chamber therefore **INSTRUCTS** the Registry to change the status of the following exhibits from confidential to public: P2632-P2640, P2642-P2643, P2645-P2715, P2717-P2762, and P2764-P2783.

G. Prosecution Submission on Proof of Death Documents

15. On 11 February 2014, with reference to two Chamber decisions in relation to proof of death documents of 31 January 2014, the Prosecution filed a submission explaining how certain proof of death documents can be connected to named victims in this case. In this submission, the Prosecution noted that it anticipated annexing to its final trial brief a comprehensive chart summarising the totality of the proof of death evidence with references to evidence regarding the fate of all named victims of the crimes charged in the Indictment. The Chamber appreciates this offer of the Prosecution. Such a chart would be of assistance in the understanding of the proof of death evidence and the Chamber encourages the Prosecution to provide it as soon as possible. An updated chart could then still be annexed to the Prosecution's final trial brief at a later stage.

H. Further Instructions on Decision on Motion for Admission of Bar Table Documents

Related to RS Assembly Sessions

16. On 6 February 2014, the Prosecution informed the Chamber through informal communication of corrections to page numbers of three documents admitted in the Chamber's "Decision on Prosecution Motion to Admit Evidence from the Bar Table: Evidence Related to the Assembly of Republika Srpska" of 23 January 2014. The Chamber accordingly clarifies and amends its decision as follows.

17. The portion of the document bearing Rule 65 *ter* number 2397 admitted into evidence comprises BCS ERN 0215-2880-0215-2885, and not BCS ERN 0215-2881-0215-2885 as indicated in the Prosecution's original motion and the Chamber's decision. The corresponding English ERN is 0306-4273-0306-4274 and L007-6804-L007-6810.²¹ The Chamber hereby confirms that the

²⁰ Notice on Status of Admitted Bar Table Intercepts and Authentication Charts, 20 February 2014.

²¹ The Chamber notes that in the Prosecution's informal communication of 6 February 2014 these correct ERN ranges are indicated in the "Chart of Admitted Exhibits" appended to the communication, while the informal communication itself refers to the ERN 0215-2280-0215-2285.

document uploaded by the Prosecution under Rule 65 *ter* number 2397a corresponds to these correct ERN ranges, and **INSTRUCTS** the Registry to assign an exhibit number to this newly uploaded document in accordance with the 23 January 2014 decision and inform the Chamber and the Parties of the number so assigned.

18. The portion of the document bearing Rule 65 *ter* number 2418 admitted into evidence comprises BCS ERN 0215-4381-0215-4388, and not BCS ERN 0215-4379-0215-4386, as indicated in the Prosecution's original motion and the Chamber's decision.²² The corresponding translations can be found on eCourt pages 64 through 69.²³ The Chamber recalls that only the speech by Radovan Karadžić was tendered and admitted into evidence.²⁴ The Chamber therefore amends its decision, and **DENIES** the admission into evidence of BCS ERN 0215-4379-0215-4380, and **ADMITS** into evidence BCS ERN 0215-4387-0215-4388. For the clarity of the record, the admitted portions of the document bearing Rule 65 *ter* number 2418 consist of BCS ERN 0215-4381-0215-4388, and the corresponding English translations at eCourt pages 64 through 69. Accordingly, the Chamber **INSTRUCTS** the Prosecution to upload into eCourt only the admitted portions of the document within two weeks from the filing of this decision and to notify the Registry and the Chamber once it has done so. The Chamber **INSTRUCTS** the Registry to assign an exhibit number to this newly uploaded document and inform the Chamber and the Parties of the number so assigned.

19. The Chamber lastly clarifies that the English translation of the admitted portions of the document bearing Rule 65 *ter* number 2424 can be found on eCourt pages 80-93 and 103-105, and not on eCourt pages 80-93 and 103-106, as indicated in the Prosecution's original motion and the Chamber's decision. The Chamber hereby confirms that the document uploaded by the Prosecution under the Rule 65 *ter* number 2424a corresponds to the admitted portions of the document and the above-corrected translation page numbers, and **INSTRUCTS** the Registry to assign an exhibit

²² The Chamber notes that in the informal communication of 6 February 2014, the Prosecution refers to the BCS ERN 0215-4379-0215-4388, while the tendered and admitted speech by Radovan Karadžić begins at BCS ERN 0215-4381 and ends at 0215-4388.

²³ See Decision on Prosecution Motion to Admit Evidence from the Bar Table: Evidence Related to the Assembly of Republika Srpska, 23 January 2014, ("Assembly Sessions Decision"), fn. 28, where the correct eCourt pages of the translation were indicated as pp. 64-69.

²⁴ See Assembly Sessions Decision, para. 13, and Prosecution Motion to Admit Evidence from the Bar Table: Evidence Related to the Assembly of Republika Srpska (with Annex A), 31 October 2013, Annex A, p. vi. The Prosecution submitted that it "tenders only a five page speech by Radovan Karadžić" and the request was considered by the Chamber as such. The Chamber notes that the two pages (BCS ERN 0215-4379-0215-4380) preceding the speech were inadvertently included in the decision's disposition and contain a short speech by the Chairman and a speech by Mr Kuprešanin, which were not tendered into evidence. The two pages at the end of the speech (BCS ERN 0215-4387-0215-4388) were inadvertently omitted from the Prosecution's original motion and the Chamber's decision.

number to the newly uploaded document and inform the Chamber and the Parties of the number so assigned.

I. Decision on Tendering Associated Exhibits (Witness Okun)

20. On 7 February 2014, the Prosecution filed a motion tendering into evidence a video recording and a document, bearing Rule 65 *ter* numbers 22812 and 6009 respectively, as associated exhibits to the evidence of witness Herbert Okun.²⁵ On 18 February 2014, the Defence filed its response, opposing the motion.²⁶ Both the video recording and the document had been denied admission without prejudice in a previous decision of the Chamber, thereby opening the possibility for the Prosecution to address any prior shortcomings.²⁷ As regards the video recording (Rule 65 *ter* number 22812), the Chamber notes that it is now uploaded into eCourt, and considers that it is discussed in detail by witness Okun in his testimony in the case of *Prosecutor v. Krajišnik* which has been admitted.²⁸ The Chamber considers that the video recording is relevant and has probative value and that it forms an inseparable and indispensable part of the witness's evidence. The second associated exhibit (Rule 65 *ter* number 6009) comprises 74 pages of shorthand notes from the "Enlarged Session of the Council for Coordinating Positions on the State Policy". The Chamber notes that its previous denial of the document did not relate to a technical matter as with Rule 65 *ter* number 22812, but to the fact that the entire document was not found to fulfil the requirements as an associated exhibit. The Prosecution simply repeats its arguments that the document should be admitted. The Prosecution has not argued that, let alone demonstrated why, the Chamber should reconsider its previous decision. Accordingly, the Chamber **ADMITS** into evidence the video recording bearing Rule 65 *ter* number 22812, **DENIES** admission into evidence of the document bearing Rule 65 *ter* number 6009, and **INSTRUCTS** the Registry to assign an exhibit number to the video admitted and inform the Parties and the Chamber of the number so assigned.

J. Confirmations of Conditionally Admitted Exhibits

21. On 6 September, 16 and 31 October, 8 November 2013, and 13 February 2014, the Chamber admitted documents into evidence on the condition that the Prosecution provide missing Rule 92 *bis*

²⁵ Prosecution Motion to Admit Two Associated Exhibits to the Evidence of Herbert Okun (RM517), 7 February 2014.

²⁶ Defence Response to Prosecution Motion to Admit Two Associated Exhibits to the Evidence of Herbert Okun, 18 February 2014, paras 4-5.

²⁷ Decision on Prosecution Motion to Admit Evidence of Herbert Okun Pursuant to Rule 92 *Quater*, 12 November 2013, paras 9-10, 13.

²⁸ See P3103, pp. 156-164.

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(B) attestations.²⁹ The attestations have been provided and, having reviewed them, the Chamber, pursuant to Rule 92 *bis* of the Rules, **CONFIRMS** admission of these documents, which, in the meantime were assigned exhibit numbers P3388, P3392, P3402, P3414-P3426³⁰, P3431-P3432, P3434, P3437-P3439, P3450, P3452-P3454, P3459, P3488, P3499, P3520, P3603, P3617, and P3620. In relation to P3586, no attestation was provided, however, the Prosecution argued against the need for an attestation in its 19 February 2014 motion to unconditionally admit the statement of Witness RM-409.³¹ The Chamber considers that the statement contains provisions which bring it in compliance with Rule 92 *bis* (B) of the Rules. Under these circumstances, the Chamber **GRANTS** the Prosecution's request for unconditional admission and **CONFIRMS** admission of exhibit P3586.

K. Decision on Prosecution Submission Pursuant to 30 January 2014 Decision on Adjudicated Facts

22. On 5 February 2014, the Prosecution filed a motion seeking to replace the redacted written evidence of 13 witnesses with non-redacted versions.³² The evidence had previously been redacted on the basis of the Prosecution's reliance on accepted adjudicated facts. The non-redacted versions are submitted due to the Appeals Chamber's rejection of certain adjudicated facts in its decision of 12 November 2013.³³ In its response of 19 February 2014, the Defence objects to the motion, arguing that parts of the non-redacted version of Witness RM-297's witness statement are prejudicial to the Accused.³⁴

²⁹ Decision on Prosecution Eleventh Motion to Admit Evidence Pursuant to Rule 92 *bis*, 6 September 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; Decision on Prosecution 32nd Motion to Admit Evidence Pursuant to Rule 92 *bis*, 31 October 2013; Decision on the Prosecution's 27th Motion to Admit Evidence Pursuant to Rule 92 *bis*, 8 November 2013; Decision on Prosecution 31st Motion to Admit Evidence Pursuant to Rule 92 *bis*, 13 February 2014.

³⁰ Exhibit P3426 contains a statement and a proofing note. The statement was admitted in the Chamber's decision while the proofing note was conditionally admitted pending an attestation. Even though the proofing note is mentioned in the submitted attestation, the attestation does not certify the accuracy of the proofing note. However, considering that the proofing note solely makes corrections to the statement and that the Prosecution in early December 2013, through an informal communication, indicated its view that the attestation covers the proofing note, to which the Defence did not react, the Chamber allows this deviation from Rule 92 *bis* (B) in this instance. The Chamber also accepts the new attestations for Witness Muhić and RM-074, see T. 20701.

³¹ Prosecution Motion to Unconditionally Admit the Statement of RM409, 19 February 2014 (Confidential).

³² Prosecution Submission Pursuant to 30 January 2014 Decision on Adjudicated Facts, 5 February 2014, Annex A. The Chamber notes that contrary to the Prosecution's submission, the non-redacted versions of the exhibits do not relate to the Chamber's decision of 30 January 2014 but to the Chamber's withdrawal of judicial notice of certain adjudicated facts pursuant to the Appeals Chamber's Decision of 12 November 2013, see T. 19228.

³³ Prosecution Submission Pursuant to 30 January 2014 Decision on Adjudicated Facts, 5 February 2014, Annex A; *Prosecutor v. Ratko Mladić*, Case No. IT-09-92-AR73.1, Decision on Ratko Mladić's Appeal Against the Trial Chamber's Decisions on the Prosecution Motion for Judicial Notice of Adjudicated Facts, 12 November 2013.

³⁴ Defence Response to Prosecution Submission Pursuant to 30 January 2014 Decision on Adjudicated Facts, 19 February 2014 (Confidential).

23. The Defence objections relate to one sentence of the non-redacted version of the witness statement. The Defence submits that it can be inferred from Witness RM297's reference to hearing a voice through a loudspeaker saying "Surrender you are surrounded" that this order was given by the Bosnian Serb Army, something the Defence could not challenge due to the prior redactions. The Chamber notes that the entire non-redacted statement had been disclosed to the Defence and was thus available to it when it cross-examined the witness. In addition, later in the statement the witness describes the persons he surrendered to as wearing Bosnian Serb Army patches. This part of the statement had not been redacted. Furthermore, the evidence which the Prosecution now seeks to include was initially redacted and in the statement replaced by a reference to an adjudicated fact with similar content. Considering also that Witness RM-297's evidence is largely cumulative to the evidence of other witnesses,³⁵ the Chamber considers the Defence's objections to be unmeritorious.

24. In light of the foregoing, the Chamber **GRANTS** the motion of 5 February 2014 and **INSTRUCTS** the Registry to make the necessary replacements, as indicated in Annex A to the 5 February 2014 motion, in eCourt.

L. Follow-up from Proof of Death Bar Table Decision

25. On 31 January 2014, the Chamber deferred its decision on admission of the document bearing Rule 65 *ter* number 12337 as it lacked an English translation.³⁶ On 13 February 2014, the Prosecution, through an informal communication, informed the Chamber and the Defence that the missing translation has been uploaded into eCourt. After having reviewed the document and in light of its findings in the 31 January 2014 decision, the Chamber, pursuant to Rule 89 (C) of the Rules, **ADMITS** the document into evidence and **REQUESTS** the Registry to assign an exhibit number to the document and inform the Chamber and the Parties of the number so assigned.³⁷

M. Decisions related to 27th Rule 92 *bis* Motion

26. On 8 November 2013, the Chamber issued its decision on the Prosecution's 27th motion to admit evidence pursuant to Rule 92 *bis* of the Rules.³⁸ The Chamber hereby corrects some clerical

³⁵ Decision on Prosecution Eighth Motion to Admit Evidence Pursuant to Rule 92 *bis*: Srebrenica Survivors, 18 July 2013, para. 25.

³⁶ Decision on Prosecution Motion to Admit Evidence from the Bar Table – Proof of Death Documents, 31 January 2014, para. 3.

³⁷ In the Chamber's first omnibus decision of 14 February 2014, it also admitted a proof of death document the admission of which it had deferred earlier. The Chamber neglected to request the Registry to assign an exhibit number to that document which it hereby corrects.

³⁸ Decision on the Prosecution's Twenty-Seventh Motion to Admit Evidence Pursuant to Rule 92 *bis*, 8 November 2013.

errors in that decision's disposition. The admitted excerpts of witness Arifagić's previous testimony in the *Stakić* case are as follows: T. 7064:20-7065:8, 7075:11-19, 7090:20-7091:22, and 7099:12-7100:21. Furthermore, documents bearing Rule 65 *ter* numbers 13888 and 28867, as well as the excerpts of Witness RM-054's previous testimony in the *Kvočka et al.* case shall remain confidential and the Registry is hereby instructed to make the necessary changes in eCourt.

N. Decisions related to 16th Rule 92 bis Motion

27. On 4 October 2013, the Chamber issued its decision on the Prosecution's 16th Rule 92 *bis* motion.³⁹ In the decision, the Chamber admitted the document bearing Rule 65 *ter* number 5633. The BCS original of this document contains more evidence than its English translation. The Chamber hereby **INSTRUCTS** the Prosecution to upload into eCourt a BCS version of this document which corresponds to the current English translation in eCourt. The Chamber already **INSTRUCTS** the Registry to replace the current BCS version with the revised one once uploaded by the Prosecution.

O. Decision on Prosecution Submission and Motion Regarding Proof of Death Documents

28. On 14 February 2014, the Prosecution filed a motion requesting a) the lifting of confidentiality of 13 exhibits, b) the withdrawal of the document bearing Rule 65 *ter* number 29954, c) permission to redact four admitted documents, and d) the addition and admission of one more proof of death document.⁴⁰ The Prosecution states that it has reviewed the 13 documents and that none require confidentiality. Accordingly, the Chamber **INSTRUCTS** the Registry to lift the confidentiality of the following admitted Rule 65 *ter* documents: 27475, 28824, 28830, 29241, 29246, 29318, 29342, 29781, 29798, 16654a, 27302a, 29955a, and 29953a. The Chamber further **NOTES** the Prosecution's withdrawal of the document bearing Rule 65 *ter* number 29954 and **VACATES** its admission decision. The Prosecution further states that for four documents (Rule 65 *ter* numbers 16654a, 27302a, 29955a, and 29953a) redacted versions should be part of the evidence as the Prosecution does not rely on the non-redacted versions. The Chamber **NOTES** the Prosecution's withdrawal of parts of the documents in this respect and **ALLOWS** the replacement

³⁹ Decision on Prosecution's Sixteenth Motion to Admit Evidence Pursuant to Rule 92 *bis*: VRS Personnel, 4 October 2013.

⁴⁰ Prosecution Submission on the Confidential Status of Certain Proof of Death Documents and Motion Regarding 65 *ter* # 30607, 14 February 2014.

of the non-redacted lists with redacted lists. In relation to the tendering of Rule 65 *ter* number 30607, the Chamber **DEFERS** its decision, considering that the Defence has not yet responded.

P. Revised translation of exhibit P1975

29. On 18 February 2014, through an informal communication, the Prosecution informed the Chamber and the Defence that exhibit P1975 contained an incorrect English translation. The Chamber hence **INSTRUCTS** the Prosecution to upload the correct English translation into eCourt and **INSTRUCTS** the Registry to replace the existing English translation with the newly uploaded one.

Q. Clarification on Chamber's Rule 92 *quater* decision of 13 February 2014 (Lazić and Simić)

30. On 21 February 2014, through an informal communication, the Prosecution requested clarification with regard to two documents subject of the 13 February 2014 decision. The Prosecution pointed out that Rule 65 *ter* number 3524 was admitted, even though it was not tendered, and that Rule 65 *ter* number 24499 was denied without being specifically addressed in the decision. The Chamber clarifies that 65 *ter* number 24499 was denied. This is clear from paragraphs 7 and 9 of the decision. With regard to Rule 65 *ter* number 3524, the Chamber notes the Prosecution's submission and **VACATES** its admission decision.

R. Clarification on Chamber's Rule 92 *quater* decision of 13 January 2014

31. On 13 January 2014, the Chamber issued its decision on the Prosecution's motion for admission of the evidence of Ljubomir Bojanović and Miroslav Deronjić pursuant to Rule 92 *quater* of the Rules.⁴¹ In paragraph 13 (1b) line 7, the admitted portion should read "6294:6-6295:13; 6296:6-6300:5" instead of "6294:7-6295:13; 6296:7-6300:5".⁴² Further, in paragraph 13 (2) line 4, the admitted portion should read "11760:1-11770:11" instead of "11760:1-11770:1". These corrections are hereby placed on the record. Lastly, the Chamber **INSTRUCTS** the Prosecution to upload a reduced BCS version of Rule 65 *ter* number 4354 which matches the

⁴¹ Decision on Prosecution Motion to Admit the Evidence of Ljubomir Bojanović and Miroslav Deronjić Pursuant to Rule 92 *quater*, 13 January 2014.

⁴² Even though erroneously listed in Annex A to the motion, the correct transcript pages were attached to the motion and as such considered by the Chamber.

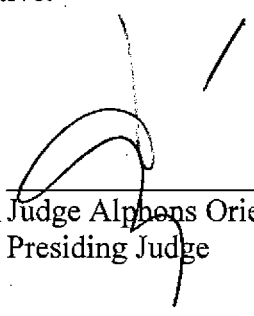
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English translation and **INSTRUCTS** the Registry to replace the current version with the reduced one.

S. Clarification on Chamber's bar table decision of 11 February 2014 (Municipalities)

32. On 11 February 2014, the Chamber issued its decision on the Prosecution's bar table motion in relation to the municipalities component.⁴³ In paragraph 27 (ii) lines 24 and 27 of the decision, the admitted documents should read "9835", "11326", and "19180" instead of "9833", "11126", and "10120". This correction is hereby placed on the record.

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



Judge Alphens Orié
Presiding Judge

Dated this Twenty-Sixth day of February 2014
At The Hague
The Netherlands

[Seal of the Tribunal]

⁴³ Decision on Prosecution Motion for Admission of Documents from the Bar Table (Municipalities Component), 11 February 2014.