



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: 4 May 2016
Original: English

IN TRIAL CHAMBER I

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

Registrar: Mr John Hocking

Decision of: 4 May 2016

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

**DECISION ON THE ADMISSION OF DOCUMENTS
TENDERED THROUGH EXPERT WITNESS
DUŠAN PAVLOVIĆ**

Office of the Prosecutor
Mr Peter McCloskey
Mr Alan Tieger

Counsel for Ratko Mladić
Mr Branko Lukić
Mr Miodrag Stojanović

I. PROCEDURAL HISTORY AND SUBMISSIONS

1. On 17 December 2015, during the testimony of expert witness Dušan Pavlović, the Defence tendered into evidence a number of documents, related to the witness's expert report.¹ The Chamber deferred its decision on admission pending the receipt of submissions from the Prosecution.² On 29 February 2016, the Defence emailed the Prosecution a revised list of the documents it sought to tender into evidence.³ On 3 March 2016, the Prosecution emailed the Chamber and the Defence advising that (i) document bearing Rule 65 *ter* number 1D06273 had already been admitted as exhibit D1400 on 2 February 2016; and (ii) it did not object to the admission into evidence of the remaining 13 documents. On 16 March, the Defence filed a request for the admission into evidence of those 13 remaining documents pursuant to Rule 89 (C) of the Rules of Procedure and Evidence ("Rules"), submitting that they are relevant, reliable, authentic and of probative value.⁴

II. APPLICABLE LAW

2. Rule 89 (C) of the Rules provides that a Chamber may admit any relevant evidence which it deems to have probative value.

III. DISCUSSION

3. The 13 documents tendered by the Defence are statements given to official organs of Bosnia-Herzegovina by individuals who personally witnessed events in and around Srebrenica after 11 July 1995. As the tendered documents are the source material upon which Pavlović has relied in drafting his report, and as they relate to the charges set out in the Srebrenica component of the Indictment, the Chamber finds that they are relevant for the purpose of admission into evidence. With regard to probative value, the Chamber notes that all of the statements bear *indicia* of reliability such as signatures or information on the authors and recipients of the document. The Chamber is therefore satisfied that the criteria for the admission into evidence set out in Rule 89 (C) of the Rules have been met.

¹ T. 42808-42811.

² T. 42810.

³ Submission of the Defence for the Admission of Exhibits Tendered through Expert Witness Dušan Pavlović (with Annexes A and B), 16 March 2016 ("Submission"), para. 1, Annex 2.

⁴ Submission, paras 5-6, 8, Annex A.

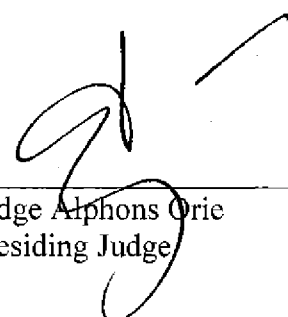
IV. DISPOSITION

4. For the foregoing reasons, pursuant to Rule 89 (C) of the Rules, the Chamber

ADMITS into evidence the documents bearing Rule 65 *ter* numbers 1D02560, 1D05083, 1D05879, 1D05888, 1D05889, 1D06247, 1D06250, 1D06272, 1D06274 up to and including 1D06277, and 1D06279; and

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

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



Judge Alphons Orie
Presiding Judge

Dated this fourth day of May 2016
At The Hague
The Netherlands

[Seal of the Tribunal]