

**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: 2 June 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: 2 June 2016

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

**DECISION ON DEFENCE RENEWED BAR TABLE
SUBMISSION: RULE 65 TER NUMBER 1D03324**

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 23 May 2016, the Defence filed a motion (“Motion”), seeking the admission into evidence of the document bearing Rule 65 *ter* number 1D03324, following revisions made to the English translation.¹ The Chamber had denied admission of the document into evidence on 9 May 2016 because it was uncertain which part of the document the Defence had tendered, given the discrepancies between the BCS original and the English translation.² The Defence submits that the document is relevant and has sufficient probative value for the purpose of admission from the bar table pursuant to Rule 89 (C) of the Tribunal’s Rules of Procedure and Evidence (“Rules”).³ Specifically, it contends that the document is relevant to understanding the concept of an all-people’s defence in the former Socialist Republic of Bosnia and Herzegovina and the powers of the National Defence Council as opposed to those of the Army of the Bosnian-Serb Republic (“VRS”).⁴ It also considers the document *prima facie* reliable because it bears sufficient indicia of authenticity.⁵ On 30 May 2016, the Prosecution filed its response, not opposing the Motion.⁶

II. APPLICABLE LAW

2. The Chamber recalls and refers to the applicable law governing the admission into evidence of documents tendered from the bar table.⁷

III. DISCUSSION

3. The BCS version of the document contains more material than its English translation. Nevertheless, in light of the narrow submissions of the Defence and the Prosecution’s submission that the Defence informally stated that it intends to rely on the full English translation, the Chamber considers that the Defence tenders only the material contained in the translation.⁸

4. The Chamber finds that the document is relevant to determining the role of various municipal authorities in the context of the concept of an all-people’s defence. This may assist in determining the responsibility of the Accused for the crimes charged. Since the document was

¹ Defence Renewed Bar Table Submission as to 65 *ter* #1D03324, 23 May 2016, paras 2, 5.

² Decision on Defence’s Seventh Motion for the Admission of Documents from the Bar Table, 9 May 2016, paras 7, 20.

³ Motion, para. 4; Defense Seventh Motion to Admit Documents from the Bar – Documents of General Importance to Defense, 18 January 2016 (“Original Motion”), paras 2, 8-11, Annex A (p. 13).

⁴ Original Motion, paras 2, 8, Annex A (p. 13).

⁵ Motion, para. 4; Original Motion, paras 10-11, Annex A (p. 13).

⁶ Prosecution Response to Defence Renewed Bar Table Submission as to 65 *ter* #1D03324, 30 May 2016 (“Response”), para. 1.

⁷ Decision on Defence’s Eighth Motion for the Admission of Documents from the Bar Table, 24 March 2016, paras 6-7.

⁸ Response, para. 1; Motion, paras 1, 3; Original Motion, Annex A (p. 13).

published in the Official Gazette of the Socialist Republic of Bosnia and Herzegovina, it is *prima facie* reliable for the purpose of admission. The Chamber also considers that the Defence has set out with sufficient clarity and specificity how the document would fit into its case. The Chamber is therefore satisfied that the document meets the standard for admission set out in Rule 89 (C) of the Rules and will admit the document into evidence.

IV. DISPOSITION

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

GRANTS the Motion;

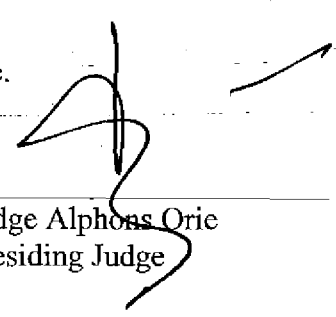
ADMITS into evidence the document bearing Rule 65 *ter* number 1D03324;

INSTRUCTS the Defence to upload into eCourt a BCS version of the document that matches the English translation;

INSTRUCTS the Registry to replace the current BCS version of the document with the document to be uploaded by the Defence; and

REQUESTS the Registry to assign a number to the exhibit admitted by this decision and inform the parties and the Chamber of the number so assigned.

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



Judge Alphons Orié
Presiding Judge

Dated this second day of June 2016
At The Hague
The Netherlands

[Seal of the Tribunal]