



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 July 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: 26 July 2016

PROSECUTOR

v.

RATKO MLADIĆ

PUBLIC

**DECISION ON DEFENCE RENEWED BAR TABLE
SUBMISSION FOR DOCUMENT BEARING 65 TER NUMBER
1D05150**

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 16 June 2016, the Defence filed a motion (“Motion”), seeking the admission into evidence of the document bearing Rule 65 *ter* number 1D05150, having provided an English translation of the document which had been missing previously.¹ The Chamber had denied without prejudice admission of the document into evidence on 23 May 2016 because, with no English translation, it was impossible to assess the document’s relevance or probative value.² The Defence submits that the document is of sufficient probative value to be admitted into evidence pursuant to Rule 89 (C) of the Tribunal’s Rules of Procedure and Evidence (“Rules”).³ Specifically, it submits that the document is important in determining the number and extent of casualties among the column breaking through to Tuzla from Srebrenica in July 1995.⁴ It submits that since those individuals listed in the document were casualties from before 1995, their names should be disregarded in 1995 Srebrenica documents.⁵ The Prosecution submits that the document has no probative value or relevance to the case.⁶ Specifically, it submits that since the persons named in the document died before 1995, and could not have been involved in the 1995 Srebrenica events, there is no foundation to justify admission of the document.⁷

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 as set out in a previous decision.⁸

III. DISCUSSION

3. The document bearing Rule 65 *ter* number 1D05150 consists of a series of lists and statements, produced by the Army of Bosnia-Herzegovina (“ABiH”), concerning the wounding, disappearances, or deaths of ABiH soldiers before 1995. The Chamber finds that the document is relevant to the number and extent of ABiH casualties incurred in association with the fall of Srebrenica in July 1995 in that the soldiers listed would not be counted among those casualties. Moreover, the Chamber finds that because the statements are dated and signed, the document bears

¹ Renewed Bar Table Submission as to Document 65*ter* 1D05150, 16 June 2016 (Confidential), paras 5, 8.

² Decision on Defence’s Second Motion to Admit Documents from the Bar Table, 23 May 2016, para. 11.

³ Motion, paras 7-8.

⁴ Motion, para. 6.

⁵ Ibid.

⁶ Motion, Annex A, p. 6.

⁷ Prosecution Response to Renewed Bar Table Submission as to Document 65*ter* 1D05150, 30 June 2016 (Confidential), para. 1.

⁸ Decision on Defence’s Eighth Motion for the Admission of Documents from the Bar Table, 24 March 2016, paras 6-7.

sufficient indicia of reliability for the purpose of admission into evidence. The Chamber is therefore satisfied that the document meets the standard for admission set out in Rule 89 (C) of the Rules. 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 will therefore admit the document into evidence.

IV. DISPOSITION

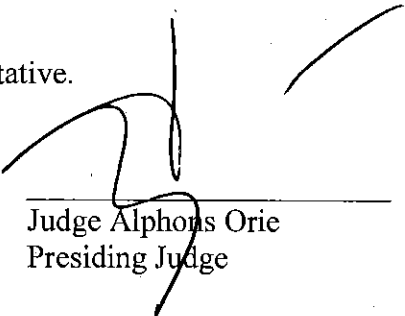
4. For the foregoing reasons, pursuant to Rule 89 (C) of the Rules, the Chamber

GRANTS the Motion;

ADMITS into evidence the document bearing Rule 65 *ter* number 1D05150; and

REQUESTS the Registry to assign an exhibit number to the document admitted by this decision and to 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 twenty-sixth day of July 2016
At The Hague
The Netherlands

[Seal of the Tribunal]