

IT-04-74-T
05-1/26769-B
04 October 2006

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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-04-74-T
Date: 27 September 2006
Original: ENGLISH
French

IN TRIAL CHAMBER III

Before: Judge Jean-Claude Antonetti, Presiding
Judge Árpád Prandler
Judge Stefan Trechsel
Reserve Judge Antoine Kesia-Mbe Mindua

Registrar: Mr Hans Holthuis

Decision of: 27 September 2006

THE PROSECUTOR

v.

**Jadranko PRLIĆ
Bruno STOJIC
Slobodan PRALJAK
Milivoj PETKOVIC
Valentin ĆORIC
Berislav PUŠIC**

**ORDER TO ADMIT EVIDENCE RELATIVE TO WITNESS PETER
GALBRAITH**

The Office of the Prosecutor:

Mr Kenneth Scott
Mr Daryl Mundis

Counsel for the Accused:

Mr Michael Karnavas and Ms Suzana Tomanović for Jadranko Prlić
Ms Senka Nožica and Mr Peter Murphey for Bruno Stojić
Mr Božidar Kovačić and Ms Nika Pinter for Slobodan Praljak
Ms Vesna Alaburić for Milivoj Petković
Ms Dijana Tomašević-Tomić and Mr Dražen Plavec for Valentin Ćorić
Mr Fahrudin Ibrišimović and Mr Roger Sahota for Berislav Pušić

TRIAL CHAMBER III (“Chamber”) of the 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 (“Tribunal”),

RECALLING the Order for protective measures for exhibits presented pursuant to Rule 70 of the Rules, rendered confidentially by the Chamber on 13 April 2006,

CONSIDERING that at the hearing of 14 September 2006 the Office of the Prosecutor (“Prosecution”) moved for the admission of 22 documents and that the counsels for the Accused Prlić (“Prlić Defence”), the counsels for the Accused Praljak (“Praljak Defence”) and the counsels for the Accused Ćorić (“Ćorić Defence”), moved for the admission of respectively, 1, 10 and 1 documents relating to the testimony of Peter Galbraith (“Proposed Exhibits”),¹

CONSIDERING that the Chamber has heard the objections raised by the Parties against the admission of the Proposed Exhibits,

CONSIDERING that, first of all, the Chamber notes that the Praljak Defence has moved, *inter alia*, for admission into evidence of a document already bearing the mark for identification P,²

CONSIDERING that, as a rule, in order to avoid putting identical documents in the case file marked P and D, the Chamber will permanently admit only the document already marked for identification P, although the Defence requested that it be tendered into evidence,

CONSIDERING that, in this case, the Chamber will be careful to indicate expressly that the request to admit into evidence the document marked P was made by the Defence,

CONSIDERING that the Chamber has examined each of the Proposed Exhibits based on the criteria for admissibility defined in its Decision on Admission of Evidence of 13 July 2006,

¹ Court Transcript in French (“T(F)”), pp. 6716-6717.

² This refers to P 03112.

CONSIDERING that the Chamber hereby decides to admit into evidence the documents labelled “admitted” in the Annex attached to this decision because they were submitted to witness Peter Galbraith and have satisfactory indicia of relevance, probative value and reliability,

FOR THE FOREGOING REASONS,

PURSUANT TO Rules 54 and 89 of the Rules,

GRANTS the motion of the Prosecution, the Prlić Defence and the Ćorić Defence,

PARTIALLY GRANTS the motion of the Praljak Defence,

DECIDES that there are grounds to admit into evidence the documents labelled “admitted” in the Annex attached to this decision,

DECIDES that the document labelled MFI in the Annex attached to this decision should be marked for identification, **AND**

DISMISSES the requests of the Praljak Defence in all other respects.

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

/signed/

Judge Jean-Claude Antonetti
Presiding Judge

Done this twenty-seventh day of September 2006
At The Hague
The Netherlands

[Seal of the Tribunal]

Annex

Proposed exhibit no.	Party proposing the admission of evidence	Admitted/Not admitted/Marked for identification (MFI)
P 03112	Praljak Defence	Not admitted (reason: the Praljak Defence showed the witness only an extract of this exhibit of 72 pages, but did not specify the page and/or paragraph number of the extract)
P 03240 (1 page: p. 40 ³)	Prosecution	Admitted
P 03673	Prosecution	Admitted
P 05047	Prosecution	Admitted
P 05090	Prosecution	Admitted
P 05104	Prosecution	Admitted
P 06251	Prosecution	Admitted
P 06412 (confidential)	Prosecution	Admitted
P 07475 (1 page: p. 11)	Prosecution	Admitted
P 07789	Prosecution	Admitted
P 09498 (confidential)	Prosecution	Admitted
P 09499 (confidential)	Prosecution	Admitted
P 09500 (confidential)	Prosecution	Admitted
P 09501 (confidential)	Prosecution	Admitted
P 09502 (confidential)	Prosecution	Admitted
P 09503 (confidential)	Prosecution	Admitted
P 09504 (confidential)	Prosecution	Admitted
P 09505 (confidential)	Prosecution	Admitted
P 09506 (confidential)	Prosecution	Admitted
P 09507 (confidential)	Prosecution	Admitted
P 09508 (confidential)	Prosecution	Admitted
P 09510 (confidential)	Prosecution	Admitted
P 09601	Praljak Defence	Already admitted on 15 June 2006
P 09697	Prosecution	Admitted
1D 00917	Prlić Defence	Admitted
3D 00141	Praljak Defence	Admitted
3D 00186	Praljak Defence	Admitted
3D 00299	Praljak Defence	Admitted
3D 00320 (1 page: p. 3D12-0343)	Praljak Defence	MFI (awaiting the English translation)
3D 00375	Praljak Defence	Admitted
3D 00376	Praljak Defence	Admitted
3D 00377	Praljak Defence	Admitted
3D 00378	Praljak Defence	Not admitted (reason: this exhibit was not entered in the Ringtail database)

³ The page numbers given in the Annex correspond to the page numbers of the English version of the relevant document in the E-court system.

4D 00326	Ćorić Defence	Admitted
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