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06-1/26286 AJ
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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: 28 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: 28 September 2006

THE PROSECUTOR

v.

**Jadranko PRLIĆ
Bruno STOJIC
Slobodan PRALJAK
Milivoj PETKOVIĆ
Valentin ĆORIĆ
Berislav PUŠIĆ**

ORDER TO ADMIT EVIDENCE RELATIVE TO WITNESS BJ

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 Tomašegović-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 Oral Decision on protective measures for exhibits produced pursuant to Rule 70 of the Rules of 24 August 2006,¹

CONSIDERING that at the hearing of 20 August 2006 the Office of the Prosecutor (“Prosecution”) moved for the admission of 22 documents and that the counsels for the Accused Stojić (“Stojić Defence”), the counsels for the Accused Praljak (“Praljak Defence”), the counsels for the Accused Petković (“Petković Defence”) and the counsels for the Accused Pušić (“Pušić Defence”) moved for the admission of respectively, 8, 16, 1 and 4 documents relating to the testimony of BJ (“Proposed Exhibits”),²

CONSIDERING that, subsequently to a request from the Chamber of 29 August 2006³, the Praljak Defence moved, on 20 September 2006, for the admission of another two documents,⁴

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 Petković Defence has moved for the admission of a document marked D, but this document was already admitted under mark P at an earlier stage of the trial,⁵

CONSIDERING that these documents are identical and in order to avoid putting identical exhibits marked P and D in the case file, the Chamber hereby decides that there is no reason to admit this document under mark D,

¹ Court Transcript in French (“T(F)”) pp. 5469-5470, private session.

² T(F), pp. 5827-5833.

³ T(F) p. 5714. The Chamber asked the Praljak Defence to provide it with Articles 494 and 495 of the Law on Service in the Armed Forces.

⁴ T(F) p. 6959. The Praljak Defence moved for admission into evidence of documents 3D 00372 and 3D 00373.

⁵ The Petković Defence moved for the admission of document 4D 00070. However, this document had already been admitted under mark P 02344.

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 (“Decision”),

CONSIDERING that, for some of the Proposed Exhibits, only extracts were presented to witness BJ at court,

CONSIDERING that, in accordance with the Decision, the Parties are obliged to inform the Chamber about the page numbers of the extracts in the corresponding documents,

CONSIDERING that the Parties have not submitted to the Chamber the above-mentioned information,

CONSIDERING that the Chamber recalls the obligation of the Parties to respect the guidelines given in the Decision and specifies that in future the Parties will have to submit to the Chamber the page numbers corresponding to the extracts of the documents that they wish to be admitted, or their motion will be dismissed,

CONSIDERING that the Chamber exceptionally decides to admit into evidence the extracts of documents whose page numbers have not been submitted to the Chamber,

CONSIDERING that the Chamber decides to admit into evidence the documents labelled “admitted” in the Annex attached to this decision because they were submitted to witness BJ 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 and the Pušić Defence,

PARTIALLY GRANTS the motion of the Stojić Defence and the Praljak Defence,

DISMISSES the motion of the Petković Defence,

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

DISMISSES the motions of the Stojić Defence and 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-eighth 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 01717 (under seal) (11 pages: p. 03. p. 58, pp. 65 and 66, p. 72, p. 75, pp. 113 and 114, p. 141, p. 145, p. 147 ⁶)	Prosecution	Admitted
P 02081 (under seal)	Prosecution	Admitted
P 02192 (under seal)	Prosecution	Admitted
P 02220 (under seal)	Prosecution	Admitted
P 02235 (under seal)	Prosecution	Admitted
P 02241 (under seal)	Prosecution	Admitted
P 02273 (under seal)	Prosecution	Admitted
P 03018 (under seal)	Prosecution	Admitted
P 03545 (under seal)	Prosecution	Admitted
P 03597 (under seal)	Prosecution	Admitted
P 03705 (under seal)	Prosecution	Admitted
P 03744 (under seal)	Prosecution	Admitted
P 03980 (under seal)	Prosecution	Admitted
P 04423 (under seal)	Prosecution	Admitted
P 04698 (under seal)	Prosecution	Admitted
P 09612	Prosecution	Admitted
P 09613	Prosecution	Admitted
P 09615	Prosecution	Admitted
P 09676	Prosecution	Admitted
IC 00024	Prosecution	Admitted
IC 00025	Prosecution	Admitted
2D 00115	Stojić Defence	Admitted
2D 00116	Stojić Defence	Not admitted (reason: witness unable to clarify to the Chamber its authenticity, relevance or probative value in court)
2D 00117	Stojić Defence	Admitted
2D 00118	Stojić Defence	Not admitted (reason: witness unable to clarify to the Chamber its authenticity, relevance or probative value in court)
P 01717 (3 pages: pp. 90 to 92 ⁷)	Stojić Defence	Admitted
P 02741 (under seal)	Stojić Defence	Admitted

⁶ R016-7784. The page numbers quoted in the Annex correspond to the page numbers of the English version of the relevant document in the E-court system.

⁷ R016-7784

P 02761 (under seal)	Stojić Defence	Admitted
P 05111 (under seal) (3 pages: pp. 15-17 ⁸)	Stojić Defence	Admitted
3D 00278	Praljak Defence	Admitted
3D 00279	Praljak Defence	Admitted
3D 00280	Praljak Defence	Admitted
3D 00310	Praljak Defence	Admitted
3D 00340	Praljak Defence	Admitted
3D 00363	Praljak Defence	Admitted
3D 00365	Praljak Defence	Admitted
3D 00366	Praljak Defence	Admitted
3D 00369	Praljak Defence	Not admitted (reason: witness unable to clarify to the Chamber its authenticity, relevance or probative value in court)
3D 00372	Praljak Defence	Admitted
3D 00373	Praljak Defence	Admitted
IC 00030	Praljak Defence	Admitted
IC 00031	Praljak Defence	Admitted
P 01914 (under seal)	Praljak Defence	Admitted
P 02572 (under seal)	Praljak Defence	Admitted
P 04423 (under seal)	Praljak Defence	Admitted
P 05475 (under seal)	Praljak Defence	Admitted
P 06452 (under seal)	Praljak Defence	Not admitted (reason: witness unable to clarify to the Chamber its authenticity, relevance or probative value in court)
P 02344	Petković Defence (4D 00070)	P 02344 already admitted on 11 July 2006
6D 00033	Pušić Defence	Admitted
P 02108 (under seal) (1 page: R016-6319)	Pušić Defence	Admitted
P02291	Pušić Defence	Admitted
P 05220 (under seal)	Pušić Defence	Admitted

⁸ R016-6291.