

**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: 5 October 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: 5 October 2006

THE PROSECUTOR

v.

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

ORDER TO ADMIT EVIDENCE RELATIVE TO WITNESS BM

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

2-04-74-T
DU-1/26724 OCT
12 OCTOBER 2006

Translation

4/26724 OCT
J

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”),

CONSIDERING that Witness BM appeared before the Chamber on 20 and 21 September 2006 pursuant to Article 89(F) of the Rules of Procedure and Evidence (“Rules”),

CONSIDERING that at the hearing of 21 September 2006, the Office of the Prosecutor (“Prosecution”) moved for the admission of 14 documents and that the counsels for the Accused Prlić (“Prlić Defence”), the counsels for the Accused Stojić (“Stojić Defence”) and the counsels for the Accused Praljak (“Praljak Defence”) moved for the admission of, respectively, 2, 2 and 9 documents relating to the testimony of Witness BM (“Proposed Exhibits”),¹

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

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 the Chamber has decided to admit into evidence the documents labelled “admitted” in the Annex attached to this decision because they were submitted to Witness BM 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 Prlić Defence, the Stojić Defence and the Praljak Defence,

PARTIALLY GRANTS the motion of the Prosecution,

¹ Witness BM, Court Transcript in French (“T(F)”), pp. 7133-7139.

DISMISSES the motion to admit the document marked P 02180,

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

DIRECTS the Registrar to put documents P 01656 and 3D 00291 under seal.

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

/signed/

Judge Jean-Claude Antonetti
Presiding Judge

Done this fifth day of October 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 00640	Prosecution	Admitted
P 00657 (under seal)	Prosecution	Admitted
P 00744	Prosecution	Admitted
P 01188 (under seal)	Prosecution	Admitted
P 01425	Prosecution	Admitted
P 01542	Prosecution	Already admitted on 22 August 2006
P 01656 (under seal)	Prosecution	Already admitted on 22 August 2006
P 02180	Prosecution	Not admitted (reason: the Prosecution did not present this document to Witness BM)
P 09376	Prosecution	Admitted
P 09429	Prosecution	Admitted
P 09482	Prosecution	Admitted
P 09487	Prosecution	Admitted
P 09694 (under seal)	Prosecution	Admitted
P 09702 (under seal)	Prosecution/ Prlić Defence	Admitted
1D 00920 (pp. 3 and 15)	Prlić Defence	Admitted
2D 00054	Stojić Defence	Admitted
2D 00148	Stojić Defence	Admitted
3D 00289	Praljak Defence	Already admitted on 22 August 2006
3D 00291 (under seal)	Praljak Defence	Already admitted on 22 August 2006
3D 00418	Praljak Defence	Admitted
3D 00419	Praljak Defence	Admitted
3D 00420	Praljak Defence	Admitted
3D 00423	Praljak Defence	Admitted
3D 00424	Praljak Defence	Admitted
3D 00425	Praljak Defence	Admitted
P 00889 (under seal)	Praljak Defence	Admitted