

IT-04-74-T
05-1/26854 BLD
20 OCTOBER 2006

5/26854 BLD
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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: 16 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

Order of: 16 October 2006

THE PROSECUTOR

v.

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

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

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”);

CONSIDERING that at the hearing of 4 October 2006, the Office of the Prosecutor (“Prosecution”) moved for the admission of 19 documents and that the counsels for the Accused Praljak (“Praljak Defence”) and the counsels for the Accused Čorić (“Čorić Defence”) moved for the admission of, respectively, 15 and 6 documents relating to the testimony of Peter Hauenstein (“Proposed Exhibits”),¹

CONSIDERING that the Chamber has heard the oral 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,

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 Peter Hauenstein and have satisfactory indicia of relevance, probative value and reliability,

FOR THE FOREGOING REASONS,

PURSUANT TO Rules 54 and 89 of the Rules,

PARTIALLY GRANTS the motion of the Prosecution,

GRANTS the motions of the Praljak Defence and the Čorić Defence,

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

¹ Court Transcript in French (“T(F)”), p. 7774

DISMISSES the motion of the Prosecution in all other respects for reasons given in the Annex attached to this decision.

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

/signed/

Judge Jean-Claude Antonetti
Presiding Judge

Done this sixteenth 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 01221	Praljak Defence	Admitted
P 02597	Ćorić Defence	Admitted
P 02688 under seal	Ćorić Defence	Admitted
P 02709	Prosecution/ Ćorić Defence	Admitted
P 02817 (1 page: p.7 ²)	Prosecution	Admitted (the Chamber admits only the extract of this document that was presented to the Witness at the hearing)
P 02891 under seal (one paragraph: para. 122)	Prosecution	Admitted (the Chamber admits only the extract of this document that was presented to the Witness at the hearing)
P 03273	Ćorić Defence	Admitted
P 03822	Prosecution	Admitted
P 03909 under seal	Prosecution	Admitted
P 03944 under seal	Prosecution	Admitted
P 04077	Prosecution	Admitted
P 04256 under seal	Prosecution	Admitted
P 04307 under seal	Prosecution	Admitted
P 04363 under seal	Prosecution	Admitted
P 04440 under seal	Prosecution	Admitted
P 04517	Prosecution	Admitted
P 04598 under seal	Prosecution	Admitted
P 04629 under seal	Prosecution	Admitted
P 09603	Praljak Defence	Admitted
P 09619	Prosecution	Admitted
P 09620	Prosecution	Admitted
P 09621	Prosecution	Admitted
P 09627	Prosecution	Admitted
P 09630	Prosecution	Admitted
P 09651	Ćorić Defence	Admitted
P 09658	Praljak Defence	Admitted
P 09665	Praljak Defence	Admitted
3D 00323	Praljak Defence	Admitted
3D 00327	Praljak Defence	Admitted
3D 00381	Praljak Defence	Admitted
3D 00426	Praljak Defence	Admitted
3D 00427	Praljak Defence	Admitted
5D 00538	Ćorić Defence	Admitted

² The page numbers given in the Annex correspond to the page numbers of the English version of the document in the e-court system

IC 00037	Praljak Defence	Admitted
IC 00038	Praljak Defence	Admitted
IC 00039	Praljak Defence	Admitted
IC 00040	Praljak Defence	Admitted
IC 00041	Praljak Defence	Admitted
IC 00042	Praljak Defence	Admitted