



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: 23 November 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: 23 November 2006

THE PROSECUTOR

v.

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

**ORDER TO ADMIT EVIDENCE RELATIVE TO
WITNESS FAHRUDIN AGIĆ**

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 and Mr Nicholas Stewart 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”);

CONSIDERING that at the hearing of 1 November 2006, the Office of the Prosecutor (“Prosecution”) moved for the admission of 22 documents and that at the hearing of 2 November 2006 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 Čorić (“Čorić Defence”), moved for the admission of, respectively, 6, 34, 26 and 3 documents relating to the testimony of Fahrudin Agić (“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 (“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 Fahrudin Agić and have satisfactory indicia of relevance, probative value and reliability,

FOR THE FOREGOING REASONS,

PURSUANT TO Rules 54 and 89 of the Rules of Procedure and Evidence,

GRANTS the motion of the Stojić Defence and the Čorić Defence,

PARTIALLY GRANTS the motion of the Prosecution, the Praljak Defence and the Petković Defence,

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

DISMISSES the motion of the Prosecution, the Praljak Defence and the Petković Defence in all other respects,

¹Court Transcript in French (“T(F)”), pp. 9338, 9521 and 9522. The Praljak Defence and the Petković Defence have submitted to the Chamber and to the Prosecution a written list of documents that they propose for admission.

URGES the Defence to submit, as soon as possible, a translation of the documents labelled "MFI" 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 twenty-third day of November 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 00643	Prosecution	Admitted
P 00712	Prosecution	Admitted
P 01087	Prosecution	Already admitted on 8 November 2006
P 01107	Prosecution	Already admitted on 8 November 2006
P 01126	Prosecution	Admitted
P 01131	Prosecution	Admitted
P 01132	Prosecution	Admitted
P 01135	Prosecution	Admitted
P 01139	Prosecution	Admitted
P 01146	Prosecution	Already admitted on 2 October 2006
P 01172	Prosecution	Admitted
P 01174	Prosecution/Stojić Defence	Already admitted on 8 November 2006
P 01183	Prosecution	Admitted
P 01203	Prosecution	Admitted
P 01213	Prosecution	Admitted
P 01226	Prosecution	Admitted
P 01229	Prosecution	Admitted
P 01291	Prosecution	Admitted
P 01298	Prosecution	Not admitted (reason: witness did not clarify to the Chamber its authenticity, relevance or probative value)
P 01333	Prosecution	Admitted
P 01433	Prosecution	Admitted
P 01567	Prosecution	Admitted
2D 00223	Stojić Defence	Admitted
2D 00224	Stojić Defence	Admitted
2D 00225	Stojić Defence	Admitted
2D 00227	Stojić Defence	Admitted
P 00670	Stojić Defence	Admitted
3D 00368	Praljak Defence	Admitted
3D 00371	Praljak Defence	Admitted
3D 00452	Praljak Defence	Admitted
3D 00476	Praljak Defence	Already admitted on 2 November 2006
3D 00483	Praljak Defence	Admitted
3D 00484	Praljak Defence	Admitted
3D 00490	Praljak Defence	Admitted
3D 00493	Praljak Defence	Admitted
3D 00494	Praljak Defence	Not admitted (reason: witness did not clarify to the Chamber its authenticity, relevance or probative value)
3D 00496	Praljak Defence	Admitted
3D 00498	Praljak Defence	Admitted

3D 00499	Praljak Defence	Admitted
3D 00500	Praljak Defence	Admitted
3D 00501	Praljak Defence	Admitted
3D 00502	Praljak Defence	Admitted
3D 00503	Praljak Defence	Admitted
3D 00505	Praljak Defence	Admitted
3D 00506	Praljak Defence	Admitted
3D 00509	Praljak Defence	Admitted
3D 00510	Praljak Defence	Admitted
3D 00531	Praljak Defence	Admitted
3D 00539	Praljak Defence	Admitted
3D 00542	Praljak Defence	Not admitted (the Chamber does not have sufficient elements to authenticate this document)
3D 00543	Praljak Defence	Admitted
P 00174	Praljak Defence	Not admitted (reason: witness did not clarify to the Chamber its authenticity, relevance or probative value in court)
P 00413	Praljak Defence	Admitted
P 00840	Praljak Defence	Admitted
P 01101	Praljak Defence	Admitted
P 01110	Praljak Defence	Admitted
P 01112	Praljak Defence	Admitted
P 01114	Praljak Defence	Admitted
P 01141	Praljak Defence	Admitted
P 01152	Praljak Defence	Admitted
P 01162	Praljak Defence	Already admitted on 8 November 2006
4D 00044	Petković Defence	Admitted
4D 00048	Petković Defence	Admitted
4D 00341	Petković Defence	Admitted
4D 00349	Petković Defence	MFI (awaiting submission of a translation into one of the Tribunal's official languages)
4D 00350	Petković Defence	MFI (awaiting submission of a translation into one of the Tribunal's official languages)
4D 00352	Petković Defence	MFI (awaiting submission of a translation into one of the Tribunal's official languages)
4D 00354	Petković Defence	Admitted
4D 00355	Petković Defence	Admitted
4D 00356	Petković Defence	Admitted
4D 00358	Petković Defence	Admitted
4D 00360	Petković Defence	Admitted
4D 00361	Petković Defence	Admitted
4D 00375	Petković Defence	Admitted
4D 00378	Petković Defence	MFI (awaiting submission of a translation into one of the Tribunal's official languages)
4D 00391	Petković Defence	Admitted

4D 00394	Petković Defence	Admitted
4D 00404	Petković Defence	Admitted
4D 00409	Petković Defence	Admitted
4D 00411	Petković Defence	Admitted
4D 00414	Petković Defence	Admitted
4D 00416	Petković Defence	Not admitted (reason: document not in the Ringtail system)
P 01115	Petković Defence	Already admitted on 8 November 2006
P 01210	Petković Defence	Already admitted on 8 November 2006
P 01211	Petković Defence	Already admitted on 8 November 2006
P 01238	Petković Defence	Already admitted on 8 November 2006
P 01329	Petković Defence	Admitted
P 00430	Ćorić Defence	Admitted
P 00687	Ćorić Defence	Admitted
P 01318	Ćorić Defence	Admitted