



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: 1 December 2006
Original: ENGLISH
French

IN TRIAL CHAMBER III

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

Registrar: Mr Hans Holthuis

Decision of: 1 December 2006

THE PROSECUTOR

v.

Jadranko PRLIĆ
Bruno STOJIĆ
Slobodan PRALJAK
Milivoj PETKOVIĆ
Valentin ČORIĆ
Berislav PUŠIĆ

**DECISION ON PROSECUTION MOTION FOR ADMISSION OF
DOCUMENTARY EVIDENCE RELATING TO PROZOR**

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 Čorić
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”);

SEIZED of the “Prosecution Motion for Admission of Documentary Evidence Relating to Prozor” filed by the Office of the Prosecutor (“Prosecution”) on 6 November 2006 (“Motion”), in which the Prosecution requests the Chamber to admit 33 documents it presents in support of allegations set out in paragraphs 43 to 60 of the Amended Indictment, regarding the municipality of Prozor;

CONSIDERING the response from the Accused Praljak (“*Slobodan Praljak’s Response to Prosecution Motion for Admission of Evidence Relating to Prozor*”), filed by Counsel for the Accused Praljak on 14 November 2006 (“Response”), in which the Accused Praljak objects to the Motion on grounds that it does not respect the conditions set out in the “Decision on Admission of Evidence”, rendered by the Chamber on 13 July 2006 (“Decision of 13 July 2006”);

CONSIDERING the motion of the Accused Prlić (“*Jadranko Prlić’s Motion Joining Slobodan Praljak’s Response to Prosecution Motion for Admission of Evidence Relating to Prozor*”), filed by Counsel for the Accused Prlić on 15 November 2006, in which the Accused Prlić joins the response;

CONSIDERING the motion of the Accused Stojić, Petković, Ćorić, and Pušić (“*Joinder of the Accused Stojić, Petković, Ćorić, and Pušić in response to Prosecution Motion for Admission of Evidence Relating to Prozor*”), filed jointly by Counsel for the Accused Stojić, Petković, Ćorić, and Pušić on 17 November 2006, in which they join parts (A) to (D) of the Response;

WHEREAS in its Decision of 13 July 2006, the Chamber adopted guidelines for the admission of evidence (“Guidelines”);

WHEREAS in the Decision of 13 July 2006 the Chamber granted the Prosecution leave to file written motions requesting the admission of documents that were not put to a witness at trial, so long as the conditions set out in Guideline 6 are met;

WHEREAS the Chamber amended Guideline 6 in its “Decision Amending the Decision on Admission of Evidence Dated 13 July 2006”, rendered by the Chamber on 29 November 2006 (“Decision of 29 November”);

WHEREAS the Chamber wishes to decide on the admission of documents presented in the Motion on the basis of the criteria set out in Guideline 6, as amended by the Decision of 29 November 2006,

WHEREAS consequently, the Motion should be revised and additional information provided in accordance with the amended Guideline 6;

WHEREAS the Prosecution must provide additional information with respect to item (a) (iv) of the said Guideline, namely “Reference to [...] documents admitted as evidence dealing with the same paragraphs in the Indictment”;

WHEREAS the Prosecution must also provide additional information with respect to item (a) (vi) of the said Guideline, namely “Reasons why the document is not presented through a witness”;

WHEREAS the Chamber defers its Decision on the Motion until the additional information is provided;

FOR THE FOREGOING REASONS,

PURSUANT TO Rule 89(C) of the Rules of Procedure and Evidence;

DEFERS its Decision on the Motion;

AND INVITES the Prosecution to submit the missing information before 8 December 2006.

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

/signed/

Judge Jean-Claude Antonetti
Presiding Judge

Done this 1st day of December 2006
At The Hague
The Netherlands

[Seal of the Tribunal]