



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: 13 December 2006
Original : English
FRANÇAIS

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: 13 December 2006

THE PROSECUTOR

vs.

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

ORDER ADMITTING EVIDENCE RELATING TO WITNESS SAFET IDRIZOVIĆ

The Office of the Prosecutor:

Mr Kenneth Scott
Mr Daryl Mundis

Defence Counsel:

M. Michael Karnavas and Ms Suzana Tomanović for Jadranko Prlić
Ms Senka Nožica and M. Peter Murphy 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 Criminal Law Committed in the Territory of the Former Yugoslavia since 1991 (“Tribunal”),

CONSIDERING that the Office of The Prosecutor (“Prosecution”) has requested the admission of 24 pieces of evidence¹ whereas counsel for the Accused Prlić (“Prlić Defence”),² counsel for the Accused Stojić (“Stojić Defence”),³ counsel for the Accused Praljak (“Praljak Defence”),⁴ counsel for the Accused Petković (“Petković Defence”),⁵ counsel for the Accused Ćorić (“Ćorić Defence”)⁶ and counsel for the Accused Pušić (“Pušić Defence”)⁷ have requested the admission respectively of 33, 8, 9, 21, 8 and 1 piece(s) of evidence relating to the testimony of Safet Idrizović (“Proposed Evidence”) which was given during the hearing on 6, 7, 8 and 9 November 2006,

CONSIDERING that the Chamber has heard the objections of the Parties to the admission of the Proposed Evidence,

CONSIDERING that the Chamber has examined each piece of the Proposed Evidence on the basis of the criteria for admissibility set out in its Decision of 13 July 2006 relating to the admission of evidence,

CONSIDERING that the Chamber has decided to admit the evidence indicated “admitted” in the Annex attached to this decision because it was shown to the witness Safet Idrizović and because it presents sufficient indicia of relevance, probative value and reliability,

FOR THE FOREGOING REASONS

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

GRANTS the requests of the Prosecution, the Ćorić Defence and the Pušić Defence,

PARTIALLY GRANTS the requests of the Prlić Defence, the Stojić Defence, the Petković Defence and the Praljak Defence,

DECIDES that there is reason to admit the evidence indicated “admitted” in the Annex attached to this decision,

¹ IC 00075

² IC 00078

³ IC 00079

⁴ IC 00080

⁵ IC 00081

⁶ IC 00082

⁷ IC 00083

DECIDES that it is appropriate to mark for purposes of identification the evidence marked "MFI" in the Annex attached to this decision, **AND**

DENIES the other requests of the Prlić Defence, the Stojić Defence, the Petković Defence and the Praljak Defence for the reasons set out in the Annex attached to this decision.

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

Jean-Claude Antonetti
Presiding Judge Trial Chamber III

Done this thirteenth day of December 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 00186	Prosecution	Admitted
P 00196	Prosecution	Admitted
P 00273	Prosecution	Admitted
P00321	Prosecution/ Praljak Defence	Admitted
P 00388	Prosecution	Admitted
P 00568	Prosecution	Admitted
P 00624	Prosecution	Admitted
P 00653	Prosecution	Admitted
P 00776	Prosecution	Admitted
P 00832	Prosecution	Admitted
P01088	Prosecution	Admitted
P 01164	Prosecution	Admitted
P01903	Prosecution	Admitted
P 02037	Prosecution	Admitted
P02133	Prosecution	Admitted
P02182	Prosecution	Admitted
P02218	Prosecution	Admitted
P 02372	Prosecution	Admitted
P 02487	Prosecution/ Prlić Defence	Admitted
P 05422	Prosecution	Admitted
P06448	Prosecution	Admitted
P 06528	Prosecution	Admitted
P 08556	Prosecution	Admitted
P 09400	Prosecution	Admitted
1D 00320	Prlić Defence	Admitted
1D 00339	Prlić Defence	Not admitted (reason: document not recorded in the electronic database)
1D 00340	Prlić Defence	Admitted
1D 00777	Prlić Defence	Not admitted (reason: witness unable to clarify to the Chamber its authenticity, relevance or probative value in court)
1D 00778	Prlić Defence	Admitted
1D 00779	Prlić Defence	Admitted
1D 00785	Prlić Defence	Admitted
1D 00786	Prlić Defence	Admitted
1D 00787	Prlić Defence	Admitted
1D 00789	Prlić Defence	Admitted
1D 00920	Prlić Defence	Already admitted on 5 October 2006

1D 00949	Prlić Defence	Admitted
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1D 00955	Prlić Defence	Admitted
1D 00958	Prlić Defence	Admitted
1D 00960	Prlić Defence	Not admitted (reason: witness unable to clarify to the Chamber its authenticity, relevance or probative value in court)
1D00961	Prlić Defence	Admitted
1D 00963	Prlić Defence	Admitted
1D 00967	Prlić Defence	Admitted
1D00974	Prlić Defence	Admitted
1D 00976	Prlić Defence	Admitted
1D 00977	Prlić Defence	Admitted
1D 00984	Prlić Defence	Admitted
1D 00986	Prlić Defence	Admitted
1D 00991	Prlić Defence	Not admitted (reason: witness unable to clarify to the Chamber its authenticity, relevance or probative value in court)
1D 00993	Prlić Defence	Not admitted (reason: witness unable to clarify to the Chamber its authenticity, relevance or probative value in court)
1D 00994	Prlić Defence	Admitted
1D01001	Prlić Defence	Admitted
1D01017	Prlić Defence	Admitted
1D 01018	Prlić Defence	Admitted
1D01047	Prlić Defence	Not admitted (reason: the Chamber does not have enough elements to authenticate this document)
1D01048	Prlić Defence	Admitted
P 01884	Prlić Defence	Admitted
1D 01030	Stojić Defence	Admitted
2D 00249	Stojić Defence	Not admitted (reason: this document was not presented to the witness)
2D 00253	Stojić Defence	Admitted
2D 00260	Stojić Defence	Not admitted (reason: this document was not presented to the witness)
2D 00261	Stojić Defence	Not admitted (reason: this document was not presented to the witness)
2D 00262	Stojić Defence	Not admitted (reason: this document was not presented to the witness)
2D 00263	Stojić Defence/ Ćorić Defence	Admitted
3D 00556	Stojić Defence	Admitted

3D 00450	Praljak Defence	Already admitted on 30 November 2006
3D 00547	Praljak Defence	Admitted
3D 00560	Praljak Defence	Admitted
3D00561	Praljak Defence	Admitted
P 00708 (3D 00290(MNA))	Praljak Defence	Admitted
P 00795	Praljak Defence	Admitted
P 02059	Praljak Defence	Not admitted (reason: the Praljak Defence showed the witness only an extract of this exhibit of 53 pages, but did not specify the page/pages referring to this extract)
P 02078	Praljak Defence	Document already admitted as P 02088
2D 00246	Petković Defence	Admitted
3D 00557	Petković Defence	Not admitted (reason: this document was not presented to the witness)
4D 00081	Petković Defence	MFI (awaiting the English translation)
4D 00082	Petković Defence	MFI (awaiting the English translation)
4D 00084	Petković Defence	MFI (awaiting the English translation)
4D 00140	Petković Defence	Not admitted (reason: witness unable to clarify to the Chamber its authenticity, relevance or probative value in court)
4D00418	Petković Defence	Admitted
4D 00419	Petković Defence	MFI (awaiting the English translation)
4D 00420	Petković Defence	MFI (awaiting the English translation)
4D 00426	Petković Defence	Admitted
4D 00435	Petković Defence	MFI (awaiting the English translation)
4D 00436	Petković Defence	MFI (awaiting the English translation)

4D 00438	Petković Defence	Not admitted (reason: witness unable to clarify to the Chamber its authenticity, relevance or probative value in court)
4D 00447	Petković Defence	MFI (awaiting the English translation)
4D 00450	Petković Defence	Admitted
4D 00452	Petković Defence	Not admitted (reason: witness unable to clarify to the Chamber its authenticity, relevance or probative value in court)
4D 00453	Petković Defence	Admitted
P 02084	Petković Defence	Admitted
P 02088	Petković Defence	Admitted
P 02091	Petković Defence	Admitted
P 02203	Petković Defence	Admitted
5D 02007	Ćorić Defence	Admitted
P 00385	Ćorić Defence	Admitted
P 00430	Ćorić Defence	Already admitted on 23 November 2006
P 00687	Ćorić Defence	Already admitted on 23 November 2006
P 00952	Ćorić Defence	Admitted
P 01095	Ćorić Defence	Admitted
P 01121	Ćorić Defence	Admitted
6D00035	Pušić Defence	Admitted