



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: 14 February 2007
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

Order of: 14 February 2007

THE PROSECUTOR

v.

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

ORDER TO ADMIT EVIDENCE RELATIVE TO WITNESS JOVAN RAJKOV

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 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 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 hearings of 24 and 25 January 2007, the Office of the Prosecutor (“Prosecution”) moved for the Admission of nine documents¹ and that the counsel for the Accused Stojić (“Stojić Defence”) and the counsel for the Accused Praljak (“Praljak Defence”) moved for the Admission of, respectively, 13² and 3³ documents relating to the testimony of Witness Jovan Rajkov (“Proposed Exhibits”),

CONSIDERING that the Chamber has heard the objections raised by the Praljak Defence⁴ with regard to the admission of certain documents proposed by the Prosecution and the objections raised by the Prosecution with regard to the admission of certain documents proposed by the Stojić Defence,⁵

CONSIDERING that the Chamber has heard the Prosecution’s response to the objections raised by the Praljak Defence⁶ and the response of the Stojić Defence to the objections raised by the Prosecution,⁷

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 hereby decides to admit into evidence the documents labelled “admitted” in the Annex attached to this decision because they were submitted to Witness Jovan Rajkov and have satisfactory indicia of relevance, probative value and reliability,

¹ IC 00256.

² IC 00257.

³ IC 00258.

⁴ IC 00259.

⁵ IC 00272.

⁶ IC 00265.

⁷ *Prosecutor v. Prlić et al.*, case no. IT-04-74-T, Response of Bruno Stojić to Prosecution’s objections to admission of exhibits (Jovan Rajkov), 2 February 2007.

CONSIDERING that as regards document P 09869, the Praljak Defence opposes its admission asserting that the Defence was caught unawares by the fact that the Prosecution presented this video recording during the testimony of Jovan Rajkov,

CONSIDERING, moreover, that the Praljak Defence affirms that, on a certain number of sequences of the video recording, the Witness could not provide the Chamber with information having satisfactory indicia of relevance, probative value and reliability,

CONSIDERING that the Chamber ruled, in its oral decision of 25 January 2007,⁸ that the Prosecution should present this evidence during the testimony of Jovan Rajkov in order to enable the Defence to cross-examine the Witness with regard to this evidence and thus safeguard the rights of the Defence,

CONSIDERING that the Chamber notes the fact that the Witness was not able to testify on all the information contained in the video recording and recalls that it will take this into account when deliberating on the weight to attach to this piece of evidence,

CONSIDERING that the Chamber hereby decides to admit this piece of evidence because it finds that the video recording has satisfactory indicia of relevance, probative value and reliability,

FOR THE FOREGOING REASONS,

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

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

⁸ Jovan Rajkov, Court Transcript in French (“T(F)”) p. 12928.

PARTIALLY GRANTS the motion of the Stojić Defence,

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

DISMISSES in all other respects the motion of the Stojić Defence, for the reasons given in the Annex attached to this decision, by a majority of Judges, Judge Antonetti attaching his dissenting opinion.

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

/signed/

Judge Jean-Claude Antonetti
Presiding Judge

Done this 14th day of February 2007

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 02786	Prosecution	Admitted
P 02791	Prosecution	Admitted
P 04287	Prosecution	Admitted
P 09675	Prosecution	Admitted
P 05853	Prosecution	Admitted
P 03198	Prosecution	Admitted
IC 00248	Prosecution	Admitted
IC 00249	Prosecution	Admitted
P 09869	Prosecution	Admitted
P 02445	Stojić Defence	Admitted
2D 00315	Stojić Defence	Admitted
2D 00319	Stojić Defence	Admitted
2D 00320	Stojić Defence	Not admitted (reason: Witness unable to clarify to the Chamber its authenticity, relevance or probative value in court).
2D 00321	Stojić Defence	Admitted
2D 00322	Stojić Defence	Admitted
2D 00323	Stojić Defence	Admitted
2D 00325	Stojić Defence	Not admitted (reason: Witness unable to clarify to the Chamber its authenticity, relevance or probative value in court).
2D 00326	Stojić Defence	Not admitted (reason: Witness unable to clarify to the Chamber its authenticity, relevance or probative value in court).
2D 00327	Stojić Defence	Not admitted (reason: Witness unable to clarify to the Chamber its authenticity, relevance or probative value in court).
2D 00328	Stojić Defence	Not admitted (reason: Witness unable to clarify to the Chamber its authenticity, relevance or probative value in court).
2D 00333	Stojić Defence	Admitted
2D 00335	Stojić Defence	Admitted
3D 00378	Praljak Defence	Admitted
IC 00253	Praljak Defence	Admitted
IC 00254	Praljak Defence	Admitted