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D 28862 SCT

CASE/AFFAIRE NO. IT-04-74-T DATE 20 April 2007

FROM/DE MARCO BONABELLO, COURT OFFICER *MB*

TO/A

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0 Order/Decision issued by the President on/Ordonnance/Décision émise par le Président le ___/___/___

0 Motion/Request/Application submitted by Prosecution/Defence Counsel on/
Motion/Requête/Demande présentée par l'Accusation/le Conseil de la défense le ___/___/___

0 Response/reply/brief submitted by Prosecution/Defence Counsel on/
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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: 19 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: 19 February 2007

THE PROSECUTOR

v.

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

ORDER TO ADMIT EVIDENCE RELATIVE TO WITNESS JEREMY BOWEN

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 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 25 January 2007, the Office of the Prosecutor (“Prosecution”) moved for the admission of one document¹ and that the counsel for the Accused Praljak (“Praljak Defence”) moved for the admission of 11 documents² relating to the testimony of Witness Jeremy Bowen (“Proposed Exhibits”),³

CONSIDERING that the Chamber has heard the objections raised by the Prosecution⁴ with regard to the admission of the documents proposed by the Praljak Defence,

CONSIDERING that the Chamber has heard the response of the Praljak Defence⁵ to the objections raised by the Prosecution,

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 Jeremy Bowen 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 Prosecution,

PARTIALLY GRANTS the motion of the Praljak 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 Praljak Defence in all other respects for the 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

¹ IC 00251.

² IC 00252.

³ Court Transcript in French (“T(F)”) p. 12928.

⁴ IC 00255.

⁵ IC 00264.

Done this nineteenth 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 06365	Accusation	Admitted
2D 00086	Praljak Defence	Not admitted (reason: witness unable to clarify to the Chamber its authenticity, relevance or probative value in court)
3D 00673	Praljak Defence	Admitted
3D 00693, p.74	Praljak Defence	Admitted
3D 00696	Praljak Defence	Admitted
3D 00697	Praljak Defence	Admitted
3D 00700	Praljak Defence	Admitted
3D 00733	Praljak Defence	Not admitted (reason: witness unable to clarify to the Chamber its authenticity, relevance or probative value in court))
3D 00736	Praljak Defence	Admitted
3D 00740	Praljak Defence	Admitted
IC 00247	Praljak Defence	Admitted
IC 00250	Praljak Defence	Not admitted (reason: witness unable to clarify to the Chamber its authenticity, relevance or probative value in court)