



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 March 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 March 2007

THE PROSECUTOR

v.

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

**ORDER TO ADMIT EVIDENCE REGARDING WITNESS NERMIN
MALOVIĆ**

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 the Office of the Prosecutor (“Prosecution”) requested the admission of two documents¹ while Counsel for the Accused Prlić (“Prlić Defence”)², Counsel for the Accused Stojić (“Stojić Defence”)³ and Counsel for the Accused Praljak (“Praljak Defence”)⁴ requested the admission of, respectively, two, four and one documents related to the testimony of Witness Nermin Malović (“Proposed Exhibits”), who appeared before the Chamber on 19 and 20 February 2007,

CONSIDERING that the Chamber has examined each of the Proposed Exhibits on the basis of the admissibility criteria set out in its Decision of 13 July 2006 on the Admission of Evidence,

CONSIDERING that the Chamber decides to admit into evidence the documents indicated “Admitted” in the Annex attached to this decision since they were put to Witness Nermin Malović and bear 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

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

DECIDES that the documents indicated “Admitted” in the Annex attached to this decision should be admitted into evidence,

DISMISSES the motions of the Prlić Defence, the Stojić Defence and the Praljak Defence in all other respects for the reasons given in the Annex attached to this decision.

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

/signed/

Judge Jean-Claude Antonetti
Presiding Judge

Done this fourteenth day of March 2007
At The Hague
The Netherlands

[Seal of the Tribunal]

¹ IC 00435

² IC 00436

³ IC 00437

⁴ IC 00438

Annex

Exhibit Number	Party Proposing Admission of the Exhibit	Admitted/Not Admitted/Marked for Identification (MFI)
P 00977	Prosecution	Admitted
P 04588	Prosecution	Admitted with the exception of the four photographs ⁵ already admitted on 10 October 2006
1D 01215	Prlić Defence	Not admitted (reason: witness unable to clarify to the Chamber its authenticity, relevance or probative value in court)
1D 01216	Prlić Defence	Page 5 of the English version of the document ⁶ admitted. Pages 1-4 and 6-13 not admitted (reason: witness unable to clarify to the Chamber its authenticity, relevance or probative value in court)
2D 00408	Stojić Defence	Not admitted (reason: witness unable to clarify to the Chamber its authenticity, relevance or probative value in court)
2D 00409	Stojić Defence	Not admitted (reason: witness unable to clarify to the Chamber its authenticity, relevance or probative value in court)
2D 00410	Stojić Defence	Not admitted (reason: witness unable to clarify to the Chamber its authenticity, relevance or probative value in court)
2D 00411	Stojić Defence	Admitted
IC 00433	Praljak Defence	Not admitted (reason: witness unable to clarify to the Chamber its authenticity, relevance or probative value in court)

⁵ eCourt numbers 0361-7095, 0361-7106, 0361-7111, 0361-7152.

⁶ eCourt number 1D16-0588.