



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 June 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 June 2007

**THE PROSECUTOR**

v.

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

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**ORDER TO ADMIT EVIDENCE REGARDING WITNESS BC**

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**The Office of the Prosecutor:**

Mr Kenneth Scott

**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 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”),

**CONSIDERING** that the Office of the Prosecutor (“Prosecution”) moved for the admission of 17 documents<sup>1</sup> and that Counsel for the Accused Prlić (“Prlić Defence”), Counsel for the Accused Stojić (“Stojić Defence”), Counsel for the Accused Praljak (“Praljak Defence”), Counsel for the Accused Petković (“Petković Defence”), Counsel for the Accused Ćorić (“Ćorić Defence”) and Counsel for the Accused Pušić (“Pušić Defence”) moved for the admission of, respectively, 14,<sup>2</sup> 7,<sup>3</sup> 8,<sup>4</sup> 1,<sup>5</sup> 18<sup>6</sup> and 2<sup>7</sup> documents relating to the testimony of Witness BC, who appeared before the Chamber on 14, 15 and 16 May 2007 (“Proposed Exhibits”),

**NOTING** the “Decision on Admission of Evidence”, rendered by the Chamber on 13 July 2006 (“Decision of 13 July 2006”),

**CONSIDERING** that the Chamber has heard the objections raised by the Prosecution with regard to the admission of the Proposed Exhibits, specifically with regard to the admission of document P 03005 on the grounds that the Prlić Defence did not ask the Witness to comment on the document,<sup>8</sup>

**CONSIDERING** that the Chamber has heard the response of the Prlić Defence to the objections raised by the Prosecution,<sup>9</sup> specifically with regard to document P 03005, in which the Prlić Defence maintains that at an earlier date the Chamber authorised a Party to request the admission of several documents on the basis of a single question put to a witness,

**CONSIDERING** that if the Chamber, exceptionally, authorised a Party to show a series of documents to a witness in order to ask him a single general question, it never went back on the rules established in the Decision of 13 July 2006,

**CONSIDERING**, moreover, that, at the hearing of Witness BC, the Chamber noted that the Prlić Defence requested the admission of the entire testimony of Witness BC given in the *Halilović* case,<sup>10</sup> although only some excerpts of it were presented at the hearing,<sup>11</sup>

**CONSIDERING** that guideline 4 of the Decision of 13 July 2006 reads: “Should a party only present an excerpt of a document during trial, it must limit its request for admission to that excerpt alone. The party must disclose the page and/or paragraph numbers of the document from which the excerpt it seeks to tender is taken,”<sup>12</sup>

**CONSIDERING** that the Chamber has examined each of the Proposed Exhibits based on the criteria for admissibility defined in its Decision of 13 July 2006 taking into consideration the objections raised by the Parties,

**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 BC and have satisfactory indicia of relevance, probative value and reliability,

<sup>1</sup> IC 00565.

<sup>2</sup> IC 00566.

<sup>3</sup> IC 00567.

<sup>4</sup> IC 00568.

<sup>5</sup> IC 00569.

<sup>6</sup> IC 00570.

<sup>7</sup> IC 00571.

<sup>8</sup> IC 00575.

<sup>9</sup> IC 00680.

<sup>10</sup> 1 D01527.

<sup>11</sup> Witness BC, Court Transcript in French (“T(F)”) p. 18606.

<sup>12</sup> Decision of 13 July 2006, guideline 4, p. 9.

**CONSIDERING** that the Chamber hereby decides not to admit into evidence the documents labelled “not admitted” in the Annex attached to this decision because they are not in conformity with the instructions of the Decision of 13 July 2006,

**FOR THE FOREGOING REASONS,**

**PURSUANT TO** Rules 54 and 89 of the Rules of Procedure and Evidence,

**DECIDES** unanimously to grant the motions of the Prosecution, the Stojić Defence, the Petković Defence and the Pušić Defence,

**DECIDES** by a majority of Judges to:

**GRANT PARTIALLY** the motions of the Prlić Defence, the Praljak Defence and the Ćorić Defence,

**ADMIT** into evidence the documents labelled “admitted” in the Annex attached to this decision,  
**AND**

**DISMISS** the motions of the Prlić Defence, the Praljak Defence and the Ćorić Defence, in all other respects for the reasons noted above and in the Annex attached to this decision.

**Judge Antonetti** attaches a dissenting opinion with respect to the dismissal of some documents.

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

*/signed/*

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Judge Jean-Claude Antonetti  
Presiding Judge

Done this fourteenth day of June 2007  
At The Hague, The Netherlands

[seal of the Tribunal]

Annex

| <b>Proposed exhibit no.</b> | <b>Party proposing the admission of evidence</b> | <b>Admitted/ Not admitted/ Marked for identification (MFI)</b>   |
|-----------------------------|--|--|
| P 02889                     | Prosecution/ Ćorić Defence                       | Admitted   |
| P 03573                     | Prosecution                                      | Admitted   |
| P 03962                     | Prosecution                                      | Admitted   |
| P 04174                     | Prosecution                                      | Admitted   |
| P 05151                     | Prosecution                                      | Admitted   |
| P 05289                     | Prosecution                                      | Admitted under seal  |
| P 09678                     | Prosecution/ Stojić Defence                      | Admitted under seal  |
| P 09840                     | Prosecution                                      | Admitted under seal  |
| P 09847                     | Prosecution                                      | Admitted under seal  |
| P 09842                     | Prosecution/ Stojić Defence                      | Admitted under seal  |
| P 09843                     | Prosecution/ Prlić Defence                       | Admitted under seal  |
| P 09844                     | Prosecution                                      | Admitted under seal  |
| P 09850                     | Prosecution                                      | Admitted under seal  |
| P 09851                     | Prosecution                                      | Admitted under seal  |
| P 09999                     | Prosecution/ Prlić Defence                       | Admitted under seal  |
| P 10009                     | Prosecution                                      | Admitted under seal  |
| P 10010                     | Prosecution                                      | Admitted under seal  |
| P 02151                     | Prlić Defence                                    | Admitted   |
| P 03005                     | Prlić Defence                                    | Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).                                    |
| P 03900                     | Prlić Defence                                    | Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).                                    |
| P 05428                     | Prlić Defence                                    | Admitted   |
| 1D 01328                    | Prlić Defence                                    | Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).                                    |
| 1D 01329                    | Prlić Defence                                    | Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).                                    |
| 1D 01332                    | Prlić Defence                                    | Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).                                    |
| 1D 01334                    | Prlić Defence                                    | Not admitted (reason: the Prlić Defence did not specify on its IC list the extracts of the document that it tendered for admission). |
| 1D 01524                    | Prlić Defence                                    | Admitted   |
| 1D 01526                    | Prlić Defence                                    | Not admitted (reason: witness unable to clarify to the Chamber its   |

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|-----------|------------------------------------|--|
|           |                                    | relevance or probative value).   |
| 1D 01527  | Prlić Defence                      | Not admitted (reason: the Prlić Defence did not specify on its IC list the extracts of the document that it tendered for admission). |
| 1D 01529  | Prlić Defence                      | Admitted   |
| P 02611   | Stojić Defence                     | Admitted   |
| P 02750   | Stojić Defence                     | Admitted   |
| P 05091   | Stojić Defence/<br>Praljak Defence | Admitted   |
| 2D 00446  | Stojić Defence                     | Admitted   |
| 2D 00453  | Stojić Defence                     | Admitted   |
| 3D 00902  | Praljak Defence                    | Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).                                    |
| IC00558   | Praljak Defence                    | Admitted   |
| IC00557   | Praljak Defence                    | Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).                                    |
| 3D00879   | Praljak Defence                    | Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).                                    |
| IC 00559  | Praljak Defence                    | Admitted   |
| 3D 00880  | Praljak Defence                    | Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).                                    |
| P 03547   | Petković Defence                   | Admitted   |
| P 06771   | Čorić Defence                      | Admitted   |
| P 06855   | Čorić Defence                      | Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).                                    |
| P 07027   | Čorić Defence                      | Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).                                    |
| 5 D 02019 | Čorić Defence                      | Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).                                    |
| 5 D 02027 | Čorić Defence                      | Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).                                    |
| 5D 02047  | Čorić Defence                      | Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).                                    |
| P 02258   | Čorić Defence                      | Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).                                    |
| P 02270   | Čorić Defence                      | Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).                                    |

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| P 03508 | Ćorić Defence | Admitted  |
| P 03523 | Ćorić Defence | Admitted  |
| P 03672 | Ćorić Defence | Admitted  |
| P 05003 | Ćorić Defence | Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value). |
| P 06367 | Ćorić Defence | Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value). |
| P 06561 | Ćorić Defence | Admitted  |
| P 06577 | Ćorić Defence | Admitted  |
| P 06730 | Ćorić Defence | Admitted  |
| P 06764 | Ćorić Defence | Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value). |
| P 05320 | Pusić Defence | Admitted  |
| P 05358 | Pusić Defence | Admitted  |