



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 July 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

Decision of: 13 July 2007

THE PROSECUTOR

v.

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

**DECISION ON THE PROSECUTION MOTION TO BE RELIEVED FROM
GUIDELINE 6(a)(iv)**

The Office of the Prosecutor:

Mr Kenneth Scott
Mr Douglas Stringer

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”),

SEIZED OF the “Prosecution Motion to Be Relieved from Guideline 6(a)(iv)”, filed by the Office of the Prosecutor (“Prosecution”) on 12 July 2007 (“Motion”), whereby the Prosecution requests the Chamber to relieve it from the requirement to provide information requested by Guideline 6(a)(iv) of the Decision Amending the Decision on the Admission of Evidence of 13 July 2006 (“Guideline 6(a)(iv)”) with respect to a future motion to admit about 1,000 documents,

NOTING the oral response of the Counsel for the Defence (“Defence”) given at the hearing of 12 July 2007 (“Response”), whereby they opposed the Motion,

NOTING the “Decision on Motion for Reconsideration, or in the Alternative, Request for Certification to Appeal the Chamber’s Decision of 3 April 2007 to Admit Evidence Regarding Witness Josip Praljak” rendered by the Chamber on 16 May 2007 (“Decision of 16 May 2007”), whereby the Chamber relieved the Prosecution from the requirement under Guideline 6(a)(iv) for documents related to the Heliodrom camp,

CONSIDERING that in its Motion the Prosecution informs the Chamber of its intention to submit two motions, one to admit documents related to the Heliodrom camp and the other to admit about 1,000 documents,

CONSIDERING that the Prosecution notes that the Chamber has already accorded it relief from the requirements of Guideline 6(a)(iv) for documents related to the Heliodrom camp and requests the same relief for the motion to admit 1,000 documents,

CONSIDERING that the Prosecution maintains that if the Chamber granted relief for the motion concerning the Heliodrom camp, it should also grant relief for the motion to admit 1,000 documents inasmuch as these documents come from the same source,

CONSIDERING that in support of its Motion the Prosecution maintains that the collection of information requested by Guideline 6(a)(iv) requires a lot of work, time and resources and that the charts filed by the Prosecution on 4 September 2006 already provide the information requested under Guideline 6(a)(iv),

CONSIDERING, moreover, that the Prosecution submits that it will not be able to file the motion for admission of 1,000 documents by 16 August 2007 unless the Chamber grants the relief requested,

CONSIDERING that in its Response the Defence maintains that the Prosecution should respect the Chamber’s decisions and practices concerning the admission of documentary evidence and should submit the information requested under Guideline 6(a)(iv),

CONSIDERING, moreover, that the Defence submits that this information will enable it to better evaluate the reliability, relevance and probative value of a document and thus respond promptly to a motion submitted pursuant to Guideline 6,

CONSIDERING that the Chamber recalls, pursuant to Guideline 6(a)(iv), that the Prosecution's considered written motion must make reference to witnesses who have already appeared in this case and to the documents admitted as evidence dealing with the same paragraphs in the Indictment as the documents that it tenders for admission by way of written motion,

CONSIDERING that the rationale behind Guideline 6(a)(iv) was to enable the Chamber to consider, on the basis of a written motion, admitting documents which had been corroborated by testimony given by witnesses who had already appeared before the Chamber and/or documents which had already been admitted into evidence in the present case, and thus allow it to better evaluate the probative value of the documents being tendered for admission,

CONSIDERING that in its Decision of 16 May 2007 the Chamber did indeed grant relief for documents dealing with the administration and internal organisation of the Heliodrom camp, documents which the Prosecution could not introduce in court through Witness Josip Praljak due to the lack of time,

CONSIDERING, however, that, contrary to the Prosecution's allegations, the Chamber's decision did not revolve around the source of the documents in question but rather the fact that the Chamber considered Witness Josip Praljak to be the Prosecution witness best placed to testify on the administration and internal organisation of the Heliodrom camp and that the Chamber found that the Prosecution no longer planned to call other witnesses through whom it could tender these documents,¹

CONSIDERING that, consequently, the Chamber held that it would be superfluous to request the Prosecution to provide the information requested under Guideline 6(a)(iv), because the link between these documents and Witness Josip Praljak was evident,

CONSIDERING that, in its Motion, the Prosecution did not provide any information about the contents of the 1,000 documents that it intends to tender for admission,

CONSIDERING that, to date, the written motions submitted by the Prosecution pursuant to Guideline 6 of the Decision of 29 November 2006 fulfilled the requirements under item (a)(iv), which was of great assistance to the Chamber and the Defence in their examination of the admissibility of the submitted documents,

CONSIDERING that the deadline of 16 August 2007 mentioned by the Prosecution in its Motion is a deadline that the Prosecution imposed on itself and that the Chamber would understand if the request to admit 1,000 documents was not filed until several weeks later,

FOR THE FOREGOING REASONS,

PURSUANT TO Rule 89(C) of the Rules,

¹ Decision of 16 May 2007, p. 6.

DENIES the Motion.

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

/signed/

Judge Jean-Claude Antonetti
Presiding Judge

Done this thirteenth day of July 2007
At The Hague
The Netherlands

[Seal of the Tribunal]