



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: 3 September 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: 3 September 2007

THE PROSECUTOR

v.

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

PUBLIC

ORDER TO ADMIT EVIDENCE REGARDING WITNESS DD

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”),

CONSIDERING that at the hearing of 22 February 2007, the Office of the Prosecutor (“Prosecution”) moved for the admission of 17 documents,¹ and that Counsel for the Accused Prlić (“Prlić Defence”), Counsel for the Accused Stojić (“Stojić Defence”) and Counsel for the Accused Čorić (“Čorić Defence”) moved respectively for the admission of 5,² 5,³ and 7⁴ documents relating to the testimony of DD (“Proposed Exhibits”),⁵ who appeared before the Chamber on 20 and 21 February 2007,

CONSIDERING that the Chamber has heard the objections of the Stojić Defence (“Stojić Defence Objection”)⁶ and the Čorić Defence⁷ to the admission of the evidence proposed by the Prosecution,

CONSIDERING that the Chamber has heard the Prosecution’s response to the Stojić Defence Objections (“Prosecution Response”),⁸

CONSIDERING that the Chamber notes nonetheless that the Stojić Defence Objection and the Prosecution Response were not filed during the hearing as IC lists and recalls, in this regard, the Parties’ obligation to abide by the procedure set out in the Decision on Admission into the Record of Documents Presented at the Hearing rendered on 13 December 2006.

CONSIDERING that the Chamber has examined each of the Proposed Exhibits based on the criteria for admissibility defined in the Decision of 13 July 2006⁹ on the admission of evidence,

CONSIDERING that the Chamber finds that document 1D 01117 is important in the context of Witness DD’s testimony since it deals with the rights of refugees from the municipality of Čapljina in 1992 and, by reason of its normative and public nature, also contains intrinsic elements of reliability,

¹ IC 00439.

² IC 00440.

³ IC 00441.

⁴ IC 00442.

⁵ Court Transcript in French p. 14576.

⁶ Objection of Bruno Stojić to Admission of Exhibit P 00977 (Witness DD), 22 February 2007.

⁷ IC 00447.

⁸ Prosecution Response to Objection of Bruno Stojić to Admission of Exhibit P 00977 (Witness DD), 23 February 2007.

CONSIDERING consequently that the Chamber decides exceptionally to admit document 1D 01117 even though it was given no comment by Witness DD at the hearing,

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 DD and have satisfactory indicia of relevance, probative value and reliability,

CONSIDERING that the Chamber decides not to admit into evidence the Proposed Exhibits marked “not admitted” in the Annex attached to this Decision since they are not in compliance with the Decision of 13 July 2006,

FOR THE FOREGOING REASONS,

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

GRANTS the motions of the Prlić Defence, Stojić Defence and Ćorić Defence,

PARTIALLY GRANTS the motion of the Prosecution,

ADMITS into evidence the documents labelled “admitted” in the Annex attached to this decision,

AND

DENIES the Prosecution’s motion in all other respects.

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

/signed/

Judge Jean-Claude Antonetti

Presiding Judge

Done this third day of September 2007

At The Hague

The Netherlands

[Seal of the Tribunal]

⁹ Decision on Admission of Evidence, 13 July 2006 (“Decision of 13 July 2006”).

Annex

Proposed Exhibit Number	Party proposing the Admission of evidence	Admitted/Not admitted/ Marked for Identification (MFI)
P 00977	Prosecution	Admitted
P 01474	Prosecution	Already admitted on 3 April 2007
P 03108 under seal	Prosecution	Admitted under seal
P 03170	Prosecution	Admitted
P 03377	Prosecution	Admitted
P 03462	Prosecution	Admitted
P 03630	Prosecution	Admitted
P 03794	Prosecution	Admitted
P 03958	Prosecution	Admitted
P 04141	Prosecution	Already admitted on 3 April 2007
P 04205	Prosecution	Admitted
P 05304	Prosecution	Admitted
P 06527	Prosecution	Not admitted (reason: witness unable to provide the Chamber with information about the authenticity, relevance and probative value of the document)
P 06596	Prosecution	Admitted
P 06729	Prosecution	Admitted
P 06858	Prosecution	Admitted
P 07214	Prosecution	Admitted
1D 00347	Prlić Defence	Admitted
1D 01101	Prlić Defence	Admitted
1D 01117	Prlić Defence	Admitted
1D 01131	Prlić Defence	Admitted
1D 01132	Prlić Defence	Admitted
P 05485	Stojić Defence	Admitted
P 05948	Stojić Defence	Already admitted on 14 December 2006
P 06896	Stojić Defence	Already admitted on 14 December 2006 under classification mark 2D 00131
2D 00278	Stojić Defence	Already admitted on 14 December 2006
2D 00412	Stojić Defence	Admitted
P 03119	Ćorić Defence	Already admitted on 23 May 2006 under classification mark 5D 01059
P 03129	Ćorić Defence	Admitted
P 03134	Ćorić Defence	Already admitted on 12 December 2006
P 03197	Ćorić Defence	Already admitted on 14 December 2006

P 03446	Ćorić Defence	Admitted
P 05647	Ćorić Defence	Admitted
5D 02014	Ćorić Defence	Admitted