



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: 27 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: 27 September 2007

THE PROSECUTOR

v.

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

PUBLIC

ORDER TO ADMIT EVIDENCE REGARDING WITNESS HAKAN BIRGER

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 Karim A.A. Khan 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 12 documents,¹ while Counsel for the Accused Praljak ("Praljak Defence") and Counsel for the Accused Petković ("Petković Defence") requested the admission of 3² and 17³ documents, respectively, related to the testimony of Witness Hakan Birger ("Proposed Exhibits") which took place on 26 and 27 March 2007,

CONSIDERING that none of the Parties filed any objections to the admission of the Proposed Exhibits,

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 2006⁴ 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 Hakan Birger and bear sufficient indicia of relevance, probative value, and reliability,

CONSIDERING that the Chamber decides not to admit into evidence the Proposed Exhibits indicated "Not admitted" in the Annex attached to this decision because they are not consistent with the Decision of 13 July 2006,

FOR THE FOREGOING REASONS,

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

DECIDES TO PARTIALLY GRANT the requests of the Prosecution, the Praljak Defence and the Petković Defence,

ADMITS into evidence the documents indicated "Admitted" in the Annex attached to this decision, **AND**

¹ IC 00514.

² IC 00515.

³ IC 00516.

⁴ Decision on the Admission of Evidence, 13 July 2006 ("Decision of 13 July 2006").

DENIES in all other respects the requests of the Prosecution, the Praljak Defence and, by a majority, the request of the Petković Defence.

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

/signed/

Judge Jean-Claude Antonetti
Presiding Judge

Done this twenty-seventh day of September 2007

At The Hague

The Netherlands

[Seal of the Tribunal]

Annexe

Number of Exhibit	Party proposing the admission of evidence	Admitted/Not Admitted/Marked for identification (MFI)
P 02980 (e-court pages 14 to 24)	Prosecution	Admitted
P 06049	Prosecution	Admitted
P 06063	Prosecution	Admitted
P 06092	Prosecution	Already admitted 2 on April 2007
P 06098	Prosecution	Not Admitted (reason: the document was not presented at the hearing)
P 06103	Prosecution	Admitted
P 06117	Prosecution	Admitted under seal
P 06151	Prosecution	Admitted
P 06161	Prosecution	Admitted
P 06180	Prosecution	Admitted
P 06201	Prosecution	Already admitted on 26 April 2007
P 06218	Prosecution	Admitted
3D 00841	Praljak Defence	Admitted
3D 00854	Praljak Defence	Not admitted (reason: the witness did not provide the Chamber with information on the document's relevance, reliability and probative value)
IC 00510	Praljak Defence	Admitted
P 06026	Petković Defence	Admitted
P 06039	Petković Defence	Already admitted on 29 March 2007
P 06144	Petković Defence	Admitted
P 09813	Petković Defence	Not admitted (reason: the witness did not provide the Chamber with information on the document's relevance, reliability and probative value)
4D 00518	Petković Defence	Admitted
4D 00520	Petković Defence	Not admitted reason: the witness did not provide the Chamber with information on the document's relevance, reliability and probative value)
4D 00522	Petković Defence	Admitted
4D 00523	Petković Defence	Admitted
4D 00524	Petković Defence	Admitted
4D 00525	Petković Defence	Admitted
4D 00526	Petković Defence	Admitted
4D 00527	Petković Defence	Admitted

4D 00528	Petković Defence	Admitted
4D 00530	Petković Defence	Admitted
4D 00531	Petković Defence	Admitted
4D 00532	Petković Defence	Admitted
4D 00533	Petković Defence	Admitted