



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: 29 November 2007
Original: ENGLISH
French

IN TRIAL CHAMBER III

Before: Judge Jean-Claude Antonetti, Presiding
Judge Árpád Prandler
Judge Stefan Trechsel
Reserve Judge Antoine Kesia-Mbe Mindua

Registrar: Mr Hans Holthuis

Order of: 29 November 2007

THE PROSECUTOR

v.

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

PUBLIC

**ORDER TO ADMIT EVIDENCE REGARDING WITNESS
ANDREW PRINGLE**

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 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”) requested the admission of 23 documents¹ while Counsel for the Accused Stojić (“Stojić Defence”) and Counsel for the Accused Praljak (“Praljak Defence”) requested the admission of 4² and 8³ documents, respectively, related to the testimony of Andrew Pringle (“Proposed Exhibits”) who appeared before the Chamber on 5, 6 and 7 November 2007;

CONSIDERING that the Chamber has examined the objections of Counsel for the Accused Pušić to the admission of exhibit P 03414;⁴

CONSIDERING that the Prosecution does not object to the request for admission of the Stojić Defence;⁵

CONSIDERING that the Chamber has examined the objections of the Prosecution to the admission of exhibits 3D 00819 and 3D 01102 submitted by the Praljak Defence;⁶

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 (“Decision of 13 July 2006”);

CONSIDERING that the Pušić Defence objects to the admission of exhibit P 03414 on the ground that Expert Witness Andrew Pringle failed to inform the Chamber of the authenticity, probative value and relevance of the document;

CONSIDERING that the Chamber notes that the exhibit has been the subject of a debate during a hearing and that it presents sufficient indicia of authenticity, relevance and probative value, and that the objection of the Pušić Defence deals more with the weight to be given to the document in the light of the witness testimony thereof;

¹ IC 00707.

² IC 00708.

³ IC 00711.

⁴ IC 00712.

⁵ IC 00713.

⁶ IC 00714.

CONSIDERING that it is, therefore, appropriate to admit exhibit P 03414;

CONSIDERING that, regarding the admission of exhibit 3D 00819, the Chamber has requested the Praljak Defence to present supplementary documents to inform the Chamber of the contents of this exhibit;⁷

CONSIDERING that, given that the supplementary documents have not been received, the Chamber decides by majority not to admit exhibit 3D 00819 in so far as the document is not, in and of itself, comprehensible;

CONSIDERING that, regarding the admission of exhibit 3D 01102, the Praljak Defence failed to show its relevance in relation to the charges of the amended indictment of 16 November 2005 and that, consequently, the Chamber decides by majority to dismiss it;

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 Andrew Pringle and present sufficient indicia of relevance, probative value, and reliability;

CONSIDERING that the Chamber decides, unanimously not to admit exhibit P 00301 and by majority not to admit exhibits 3D 00819 and 3D 01102, not to admit into evidence the Proposed Exhibits indicated "Not Admitted" in the Annex attached to this decision since they are not in compliance with the instructions contained in the Decision of 13 July 2006;

FOR THE FOREGOING REASONS,

PURSUANT TO Rules 54 and 89 of the Rules;

GRANTS the request of the Stojić Defence;

PARTIALLY GRANTS the requests of the Prosecution and the Praljak Defence;

⁷ Court Transcript in French of 7 November 2007, pp. 24223-24225.

DECIDES that there is reason to admit the documents indicated “Admitted” in the Annex attached to this decision into evidence; **AND**

DENIES in all the other respects unanimously the request of the Prosecution and by majority the request of the Praljak Defence.

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

/signed/

Judge Jean-Claude Antonetti
Presiding Judge

Done this twenty-ninth day of November 2007
At The Hague
The Netherlands

[Seal of the Tribunal]

Annex

Exhibit Number	Party Proposing Admission of the Exhibit	Admitted/Not Admitted/Marked for Identification (MFI)
P 00005	Prosecution	Admitted
P 00007	Prosecution	Admitted
P 00095	Prosecution	Admitted
P 00172	Prosecution	Admitted
P 00282	Prosecution	Admitted
P 00289	Prosecution	Admitted
P 00301	Prosecution	Not admitted (illegible copy)
P 00307	Prosecution	Admitted
P 00425	-	Admitted (legible copy of exhibit P 00301)
P 00502	Prosecution	Admitted
P 00856	Prosecution	Admitted
P 01683	Prosecution	Admitted
P 02036	Prosecution	Admitted
P 03414	Prosecution	Admitted
P 04020	Prosecution	Admitted
P 04131	Prosecution	Admitted
P 04142	Prosecution	Admitted
P 04399	Prosecution	Admitted
P 04792	Prosecution	Admitted
P 05134	Prosecution	Admitted
P 05968	Prosecution	Admitted
P 07044	Prosecution	Admitted
P 08128	Prosecution	Admitted
P 09549	Prosecution	Admitted
P 02050	Stojić Defence	Admitted
P 02877	Stojić Defence	Admitted
P 06989	Stojić Defence	Admitted
2D 00566	Stojić Defence	Admitted
3D 00640	Praljak Defence	Admitted
3D 00819	Praljak Defence	Not admitted
3D 01097	Praljak Defence	Admitted
3D 01099	Praljak Defence	Admitted
3D 01100	Praljak Defence	Admitted
3D 01101	Praljak Defence	Admitted
3D 01102	Praljak Defence	Not admitted
P 04207	Praljak Defence	Admitted