



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 December 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: 13 December 2007

THE PROSECUTOR

v.

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

PUBLIC

ORDER TO ADMIT EVIDENCE REGARDING MARITA VIHERVUORI

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 at the hearing of 30 August 2007,¹ the Office of the Prosecutor (“Prosecution”) requested the admission of 6 pieces of evidence² while Counsel for the Accused Prlić (“Prlić Defence”) requested the admission of 4³ pieces of evidence related to the testimony of Marita Vihervuori (altogether “Proposed Exhibits”) who testified on 27 and 28 August 2007,

CONSIDERING that the Chamber has noted the lack of any objections from the Parties 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 2006 on the admission of evidence (“Decision of 13 July 2006”),

CONSIDERING that the Chamber notes that Exhibit P 01808 has already been admitted⁴ and that, consequently, there is no reason to rule on its admission again,

CONSIDERING that the Chamber decides to admit into evidence the Proposed Exhibits indicated “Admitted” in the Annex attached to this decision since they were put to Marita Vihervuori 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 since they do not satisfy the requirements of the Decision of 13 July 2006,

¹ French transcript, pp. 21785 and 21786.

² IC 00645.

³ IC 00646.

⁴ Decision on Prosecution Motion for Admission of Documentary Evidence (Mostar) of 26 November 2007, p. 11.

FOR THE FOREGOING REASONS,

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

PARTIALLY GRANTS the requests of the Prosecution and of the Prlić Defence,

DECIDES that the documents indicated “Admitted” in the Annex attached to this Decision should be admitted into evidence, **AND**

DENIES in all the other respects the requests for admission of the Prosecution and the Prlić Defence for the reasons stated in the Annex attached to this Decision.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this thirteenth day of December 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 01804	Prosecution	Admitted.
P 01808	Prosecution	Already admitted on 26 November 2007.
P 02046 (first part: side 1)	Prosecution	Admitted in part (Reason: the transcription of the second part of the audio recording is inaudible).
P 02094	Prosecution	Admitted.
P 08575	Prosecution	Admitted.
p 09063	Prosecution	Admitted.
1D 01652	Prlić Defence	Admitted.
1D 01653	Prlić Defence	Not admitted (Reason: witness unable to provide the Chamber with information about the authenticity, relevance or probative value at the hearing).
1D 01654	Prlić Defence	Admitted.
1D 01655 (first part: side 1)	Prlić Defence	Admitted in part (Reason: the transcription of the second part is inadmissible because the audio recording is inaudible).