



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: 15 January 2008
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: 15 January 2008

THE PROSECUTOR

v.

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

PUBLIC

**ORDER TO ADMIT EVIDENCE RELATIVE TO
WITNESS MIROSLAV RUPČIĆ**

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 32 exhibits¹ while Counsel for the Accused Prlić (“Prlić Defence”) and Counsel for the Accused Stojić (“Stojić Defence”) requested the admission of 31² and 9³ exhibits, respectively, related to the testimony of Witness Miroslav Rupčić (“Proposed Exhibits”) who appeared before the Chamber on 8, 9 and 10 October 2007,

NOTING the “Decision on Admission of Evidence” rendered by the Chamber on 13 July 2006 (“Decision of 13 July 2006”),

CONSIDERING that the Chamber has heard the objections formulated by the Prosecution with regard to the admission of exhibits 1D 00213, 1D 00218, 1D 00297, 1D 00307, 1D 00308, 1D 01753, 1D 01754, 1D 01757, 1D 01758, 1D 01759, 1D 01760, 1D 01761, 1D 01762, 1D 01763, 1D 01769, 1D 01770, 1D 01771, 1D 01772 and 1D 01774 requested for admission by the Prlić Defence,⁴

CONSIDERING that the Chamber has examined each of the Proposed Exhibits on the basis of the admissibility criteria set out in the Decision of 13 July 2006, while bearing in mind the Prosecution’s objections,

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 Witness Miroslav Rupčić 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 are not consistent with the instructions of the Decision of 13 July 2006,

¹ IC 00690.

² IC 00691.

³ IC 00692. The Chamber notes that the Stojić Defence requested the admission of Exhibit 2D 00532 twice.

⁴ IC 00694.

FOR THE FOREGOING REASONS,

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

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

DECIDES that the Proposed Exhibits indicated “Admitted” in the Annex attached to this Decision should be admitted into evidence,

DECIDES to deny exhibits 1D 00308 and 2D 00532 for the reasons set out in the Annex to this Decision,

DECLARES the request to admit exhibits P 00332, P 00511, P 10267 and P 10284 moot since they were previously admitted by the Chamber **AND**

DECIDES by a majority of the Chamber’s Judges to deny in all the other respects the requests 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 fifteenth day of January 2008
At The Hague
The Netherlands

[Seal of the Tribunal]

Annex

Exhibit number	Party proposing admssion of the exhibit	Admitted/Not admitted/Marked for identification (MFI)
P 00098	Prosecution	Admitted
P 00102	Prosecution	Admitted
P 00332	Prosecution	Already admitted on 11 December 2007 ⁵
P 00412	Prosecution	Admitted
P 00511	Prosecution	Already admitted on 2 October 2006 ⁶
P 00606	Prosecution	Admitted
P 00734	Prosecution	Admitted
P 00780	Prosecution	Admitted
P 00918	Prosecution	Admitted
P 01410	Prosecution	Admitted
P 01934	Prosecution	Admitted
P 03989	Prosecution	Admitted
P 04081	Prosecution	Admitted
P 06673	Prosecution	Admitted
P 07173	Prosecution	Admitted
P 08118	Prosecution/ Stojić Defence	Admitted
P 10267	Prosecution	Already admitted on 11 December 2007 ⁷
P 10275	Prosecution	Admitted
P 10284	Prosecution	Already admitted on 11 December 2007 ⁸
P 10285	Prosecution	Not admitted by a majority (reason: document not presented to the witness at the hearing)
P 10290	Prosecution	Admitted
P 10291	Prosecution	Admitted
P 10292	Prosecution	Admitted
P 10293	Prosecution	Admitted
P 10294	Prosecution	Admitted
P 10295	Prosecution	Admitted

⁵ Decision on the Prosecution Motion for Admission of Documentary Evidence (Two Motions: HVO and Herceg-Bosna), 11 December 2007.

⁶ Order to Admit Evidence Relative to Witness William Tomljanovich, 2 October 2006.

⁷ Decision to List and Admit Exhibits Tendered Through Mr Miller, 11 December 2007.

⁸ Decision to List and Admit Exhibits Tendered Through Mr Miller, 11 December 2007.

P 10296	Prosecution	Admitted
P 10297	Prosecution	Admitted
P 10298	Prosecution	Admitted
P 10301	Prosecution	Admitted
P 10302	Prosecution	Admitted
P 10303	Prosecution	Admitted
1D 00036	Prlić Defence	Admitted
1D 00213	Prlić Defence	Admitted
1D 00218	Prlić Defence	Admitted
1D 00297	Prlić Defence	Admitted
1D 00307	Prlić Defence	Admitted
1D 00308	Prlić Defence	Not admitted (reason: exhibit not downloaded in the <i>e-court</i> system)
1D 00854	Prlić Defence	Admitted
1D 00858	Prlić Defence	Not admitted by a majority (reason: witness unable to explain to the Chamber the exhibit's relevance and probative value)
1D 00866	Prlić Defence	Admitted
1D 00868	Prlić Defence	Admitted
1D 01753	Prlić Defence	Admitted
1D 01754	Prlić Defence	Admitted
1D 01755	Prlić Defence	Admitted
1D 01756	Prlić Defence	Admitted
1D 01757	Prlić Defence	Admitted
1D 01758	Prlić Defence	Admitted
1D 01759	Prlić Defence	Admitted
1D 01760	Prlić Defence	Admitted
1D 01761	Prlić Defence	Admitted
1D 01762	Prlić Defence	Admitted
1D 01763	Prlić Defence	Admitted
1D 01764	Prlić Defence	Admitted
1D 01765	Prlić Defence	Admitted
1D 01766	Prlić Defence	Admitted
1D 01767	Prlić Defence	Admitted
1D 01768	Prlić Defence	Admitted
1D 01769	Prlić Defence	Admitted
1D 01770	Prlić Defence	Admitted

1D 01771	Prlić Defence	Admitted
1D 01772	Prlić Defence	Admitted
1D 01774	Prlić Defence	Admitted
2D 00532	Stojić Defence	Non admitted (reason: the document is identical to document 1D 01755)
2D 00533	Stojić Defence	Admitted
2D 00534	Stojić Defence	Admitted
2D 00535	Stojić Defence	Admitted
2D 00536	Stojić Defence	Admitted
2D 00538	Stojić Defence	Admitted
2D 00539	Stojić Defence	Admitted
2D 00543	Stojić Defence	Admitted