



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: 16 January 2008
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: 16 January 2008

THE PROSECUTOR

v.

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

PUBLIC

**ORDER ADMITTING EVIDENCE RELATED TO WITNESS AMOR
MAŠOVIĆ**

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 during the hearing of 28 November 2007, Counsel for the Accused Stojić (“Stojić Defence”), Counsel for the Accused Praljak (“Praljak Defence”) and Counsel for the Accused Pušić (“Pušić Defence”) respectively requested the admission of 5,¹ 1² and 6³ exhibits, and that at the hearing of 29 November 2007, the Office of the Prosecutor (“Prosecution”) requested the admission of 30 exhibits,⁴ while the Pušić Defence submitted an additional request for the admission of 3 exhibits⁵ related to the testimony of Witness Amor Mašović, who appeared before the Chamber on 26 and 27 November 2007 (“Proposed Exhibits”),

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

NOTING the “Decision on the Admission into the Record of Documents Presented at the Hearing” (“Decision of 13 December 2006”),

CONSIDERING that, as a preliminary remark, the Chamber finds that the Prosecution request for the admission of 30 exhibits as well as the Pušić Defence additional request for the admission of exhibits were submitted on 29 November 2007, which is beyond the time-limit prescribed by the Decision of 13 December 2006,

CONSIDERING that in accordance with the Decision of 13 December 2006, “[o]nce the last day of the appearance of the witness concerned has ended (“Day 1”), each Party must file in court a written list requesting the admission of documents which have been presented to that witness in court and whose admission it is seeking (“Requests for admission”), at the latest by the commencement of the first hearing day following Day 1 (“Day 2”)”,

¹ IC 00732.

² IC 00730.

³ IC 00731.

⁴ IC 00733.

⁵ IC 00734.

CONSIDERING that in this case, the time for the filing of the written lists requesting the admission of documents expired on 28 November 2007,

CONSIDERING that although, exceptionally, the Chamber agrees to grant the Prosecution's request for admission since this is its only written list, it conversely does not deem it appropriate to grant the Pušić Defence additional request for admission since the Pušić Defence already filed its first written list on 28 November 2007,

CONSIDERING that the Chamber has heard the objections raised by the Prosecution and the Pušić Defence⁶ with regard 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, while taking into account the objections raised by the Prosecution and Pušić Defence,

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 Amor Mašović 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 fail to comply with the requirements of the Decision of 13 July 2006,

FOR THESE REASONS,

IN ACCORDANCE with Rules 54 and 89 of the Rules of Procedure and Evidence,

DENIES the additional request for admission of evidence presented by the Pušić Defence through list IC 00734, on the ground that it is inadmissible,

GRANTS the requests for admission of the Praljak Defence and Pušić Defence,

⁶ IC 00736 and IC 00739.

PARTIALLY GRANTS the requests for admission of the Prosecution and Stojić Defence,

ADMITS into evidence the Proposed Exhibits indicated “Admitted” in the Annex attached to this decision,

REJECTS Exhibit 2D 06555 for the reasons explained in the Annex attached to this decision,

DISMISSES as moot the request for admission of Exhibit P 08084, since it was already admitted by the Chamber, **AND**

DISMISSES in all other respects, by a majority of the Judges of the Chamber, the request for admission of the Stojić Defence for the reasons explained 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 sixteenth day of January 2008
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 05945	Prosecution	Admitted
P 06929	Prosecution	Admitted under seal
P 07417	Prosecution	Admitted
P 07585	Prosecution	Admitted under seal
P 07852	Prosecution	Admitted
P 08084	Prosecution	Already admitted on 11 December 2007 ⁷
P 08542	Prosecution	Admitted
P 08565	Prosecution	Admitted
P 08595	Prosecution	Admitted
P 09036	Prosecution	Admitted
P 10322	Prosecution	Admitted
P 10323	Prosecution	Admitted
P 10324	Prosecution	Admitted
P 10331	Prosecution	Admitted
P 10337	Prosecution	Admitted under seal
P 10338	Prosecution	Admitted under seal
P 10339	Prosecution	Admitted under seal
P 10340	Prosecution	Admitted under seal
P 10341	Prosecution	Admitted under seal
P 10342	Prosecution	Admitted under seal
P 10343	Prosecution	Admitted under seal
P 10344	Prosecution	Admitted under seal
P 10345	Prosecution	Admitted under seal
P 10346	Prosecution	Admitted under seal
P 10347	Prosecution	Admitted under seal
P 10348	Prosecution	Admitted under seal
P 10349	Prosecution	Admitted under seal
P 10350	Prosecution	Admitted under seal
P 10351	Prosecution	Admitted under seal
P 10354	Prosecution	Admitted
2D 06555	Stojić Defence	Not admitted (reason: this document is identical to

⁷ Decision on the Prosecution Motion for Admission of Documentary Evidence (Two Motions: HVO and Herceg/Bosna), 11 December 2007.

		document 2D 00160, which was admitted on 19 October 2006 ⁸)
2D 00587	Stojić Defence	Admitted
2D 00588	Stojić Defence	Not admitted by a majority (reason: witness unable to provide the Chamber with information on the reliability, relevance or probative value of this document)
2D 00589	Stojić Defence	Not admitted by a majority (reason: witness unable to provide the Chamber with information on the reliability, relevance or probative value of this document)
2D 00590	Stojić Defence	Admitted
3D 01113	Praljak Defence	Admitted
6D 00499	Pušić Defence	Admitted
6D 00580	Pušić Defence	Admitted
6D 00708	Pušić Defence	Admitted
6D 00749	Pušić Defence	Admitted
6D 00758	Pušić Defence	Admitted
6D 00762	Pušić Defence	Admitted

⁸ Order to Admit Evidence relative to Witness BA, 19 October 2006.