



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: 23 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: 23 January 2008

THE PROSECUTOR

v.

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

PUBLIC

ORDER ADMITTING EVIDENCE RELATING TO WITNESS BB

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 38 exhibits¹ while Counsel for the Accused Prlić (“Prlić Defence”), Counsel for the Accused Stojić (“Stojić Defence”), Counsel for the Accused Praljak (“Praljak Defence”), Counsel for the Accused Čorić (“Čorić Defence”) and Counsel for the Accused Pušić (“Pušić Defence”) respectively requested the admission 29,² 1,³ 2,⁴ 8⁵ and 5⁶ exhibits related to the testimony of Witness BB (“Proposed Exhibits”) who appeared from 16 to 18 April 2007 and on 28 and 29 November 2007,

CONSIDERING that the Petković Defence did not file a request for the admission of evidence,

CONSIDERING that the Chamber has examined the objections and the responses to the objections raised by the Parties to the admission of the Proposed Exhibits,⁷

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 among the exhibits the Prosecution requests for admission, twenty have already been admitted by the Chamber and that as a result it need not rule again on their admission, as indicated in the Annex attached to this decision,

CONSIDERING that the Chamber notes that Witness BB was unable to provide the Chamber with information on the relevance, probative value or reliability of the exhibits presented in particular by the Prlić Defence,

CONSIDERING that the Chamber holds that Exhibit 1D 00730 is relevant since it deals with the issue of apartments abandoned in Mostar during the period covered by the testimony of

¹ IC 00744.

² IC 00740.

³ IC 00741.

⁴ IC 00742.

⁵ IC 00745.

⁶ IC 00743.

⁷ IC00747, IC00748, IC00749, IC00750, IC 00756.

Witness BB and that because of its normative and public nature, it contains intrinsic elements of reliability,

CONSIDERING as a result that the Chamber decides, exceptionally, to admit Exhibit 1D 00730,

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 BB 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 instructions of the Decision of 13 July 2006,

FOR THESE REASONS,

PURSUANT TO Rules 54 and 89 of the Rules,

DISMISSES as moot the request for admission of Exhibits previously admitted by the Chamber, as indicated in the Annex attached to this decision,

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

PARTIALLY GRANTS the requests for admission of the Prosecution, Prlić Defence, Čorić Defence and Pušić Defence,

DECIDES that there is cause to admit the Proposed Exhibits indicated “Admitted” in the Annex attached to this decision,

DENIES by a majority of the Judges of the Chamber, the request for admission of the Prlić Defence concerning Exhibits 1D 00606, 1D 00641 and 1D 00717 for the reasons explained in the Annex attached to this decision,

AND,

DENIES in all other respects the requests of the Prosecution, Prlić Defence, Čorić Defence Pušić 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 twenty-third 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 01894	Prosecution	Moot. Already admitted on 19 October 2006.
P 02065	Prosecution	Admitted
P 02144	Prosecution	Moot. Already admitted on 19 October 2006.
P 02227	Prosecution	Moot. Already admitted on 23 August 2007.
P 02260	Prosecution	Moot. Already admitted on 3 April 2007.
P 02382	Prosecution	Moot. Already admitted on 5 December 2007.
P 02458	Prosecution	Moot. Already admitted on 23 August 2007.
P 02520	Prosecution	Admitted.
P 02879	Prosecution	Admitted.
P 03179	Prosecution	Admitted.
P 03181	Prosecution	Admitted.
P 03573	Prosecution	Moot. Already admitted on 14 June 2007.
P 03666	Prosecution	Moot. Already admitted on 23 August 2007.
P 04603	Prosecution	Moot. Already admitted on 28 August 2007.
P 04704	Prosecution	Not admitted. The Prosecution failed to specify the <i>e-court</i> pages requested for admission.
P 04916	Prosecution	Admitted.
P 05047	Prosecution	Moot. Already admitted on 27 September 2006.
P 05053	Prosecution	Moot. Already admitted on 28 August 2007.
P 05057	Prosecution / Ćorić Defence	Admitted.
P 05151	Prosecution	Moot. Already admitted on 14 June 2007.
P 05518	Prosecution	Admitted.
P 05884	Prosecution	Admitted.
P 05939	Prosecution	Admitted.
P 06332	Prosecution	Admitted under seal.
P 06697	Prosecution	Admits under seal pages 1 and 10 of the English version registered in the <i>e-court</i> system.
P 07917	Prosecution	Moot. Already admitted on 23 August 2007.

P 07950	Prosecution	Admitted.
P 09593	Prosecution	Admitted.
P 09677	Prosecution	Moot. Already admitted on 19 October 2006.
P 09678	Prosecution	Moot. Already admitted on 19 October 2006.
P 09839	Prosecution	Admitted under seal.
P 09840	Prosecution	Moot. Already admitted on 14 June 2007.
P 09844	Prosecution	Moot. Already admitted on 14 June 2007.
P 09845	Prosecution	Admitted under seal.
P 09846	Prosecution	Admitted under seal.
P 09847	Prosecution	Moot. Already admitted on 14 June 2007.
P 09850	Prosecution	Moot. Already admitted on 14 June 2007.
P 09851	Prosecution	Moot. Already admitted on 14 June 2007.
1D 00435	Prlić Defence	Admis.
1D 00606	Prlić Defence	Not admitted (reason: witness unable to provide the Chamber information in court on the authenticity, relevance or probative value of the document).
1D 00641	Prlić Defence	Not admitted (reason: witness unable to provide the Chamber information in court on the authenticity, relevance or probative value of the document)
1D 00717	Prlić Defence	Not admitted (reason: witness unable to provide the Chamber information in court on the authenticity, relevance or probative value of the document)
1D 00730	Prlić Defence	Admitted.
1D 00925	Prlić Defence	Admitted.
1D 00960	Prlić Defence	Not admitted (reason: witness unable to provide the Chamber information in court on the authenticity, relevance or probative value of the document).
1D 01083	Prlić Defence	Not admitted (reason: witness unable to provide the Chamber information in court on the authenticity, relevance or probative value of the document).
1D 01157	Prlić Defence	Not admitted (reason: witness unable to provide the Chamber information in court on the authenticity, relevance or probative value of the document).
1D 01186	Prlić Defence	Admitted.
1D 01187	Prlić Defence	Admitted.
1D.01188	Prlić Defence	Not admitted (reason: witness unable to provide the Chamber information in court on the authenticity, relevance

		or probative value of the document).
1D 01232	Prlić Defence	Admitted.
1D 01333	Prlić Defence	Not admitted (reason: witness unable to provide the Chamber information in court on the authenticity, relevance or probative value of the document).
1D 01334	Prlić Defence	Not admitted (the Prlić Defence failed to specify the <i>e-court</i> pages requested for admission).
1D 01335	Prlić Defence	Not admitted (the document was not put to the witness in court).
1D 01392	Prlić Defence	Not admitted (reason: witness unable to provide the Chamber information in court on the authenticity, relevance or probative value of the document).
1D 01444	Prlić Defence	Admitted.
1D 01448	Prlić Defence	Not admitted (reason: witness unable to provide the Chamber information in court on the authenticity, relevance or probative value of the document).
1D 01523	Prlić Defence	Not admitted (reason: witness unable to provide the Chamber information in court on the authenticity, relevance or probative value of the document).
1D 01528	Prlić Defence	Admitted under seal.
1D 01824	Prlić Defence	Admitted.
1D 01829	Prlić Defence	Not admitted (reason: the Prlić Defence did not give the witness the opportunity to respond to the questions about this document).
1D 01830	Prlić Defence	Admitted.
1D 01856	Prlić Defence	Admitted.
1D 01871	Prlić Defence	Admitted.
1D 01872	Prlić Defence	Admitted.
1D 01921	Prlić Defence	Admitted.
1D 01922	Prlić Defence	Admitted.
P 02929	Stojić Defence	Admitted under seal.
3D 00738	Praljak Defence	Admitted.
3D 00921	Praljak Defence	Admitted.
P 02528	Ćorić Defence	Not admitted (reason: witness unable to provide the Chamber information in court on the authenticity, relevance or probative value of the document).
P 06002	Ćorić Defence	Admitted.
P 06764	Ćorić Defence	Not admitted (reason: witness unable to provide the Chamber information in court on the authenticity, relevance or probative value of the document).
1D 00934	Ćorić Defence	Admitted.
5D 02019	Ćorić Defence	Not admitted (reason: witness unable

		to provide the Chamber information in court on the authenticity, relevance or probative value of the document).
5D 02027	Ćorić Defence	Not admitted (reason: witness unable to provide the Chamber information in court on the authenticity, relevance or probative value of the document).
5D 02030	Ćorić Defence	Not admitted (reason: witness unable to provide the Chamber information in court on the authenticity, relevance or probative value of the document).
6D 00513	Pušić Defence	Admitted.
6D 00574	Pušić Defence	Not admitted (reason: witness unable to provide the Chamber information in court on the authenticity, relevance or probative value of the document).
6D 00576	Pušić Defence	Admitted.
6D 00577	Pušić Defence	Admitted under seal.
P 07834	Pušić Defence	Admitted.