



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

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**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:** 23 January 2008

**THE PROSECUTOR**

v.

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

***Public***

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**ORDER TO ADMIT EVIDENCE REGARDING WITNESS HUSNIJA  
MAHMUTOVIĆ**

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**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

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**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 five exhibits<sup>1</sup>, whereas the Counsel for the Accused Praljak ("Praljak Defence") and the Counsel for the Accused Petković ("Petković Defence") each requested the admission of two<sup>2</sup> exhibits regarding the testimony of Husnija Mahmutović ("Proposed Exhibits")<sup>3</sup> who appeared in court on 12 December 2007;

**CONSIDERING** that the Chamber has examined the Prosecution objections to the admission of the Proposed Exhibits<sup>4</sup>;

**CONSIDERING** that the Prosecution alleges in particular that Exhibit 4D 00869 is the statement given by a person before the Prosecution investigator; that the Prosecution did not present the person to the Chamber as witness and that, if the Defence wishes to introduce the statement, it must summon its author before the court;

**CONSIDERING** that the Chamber notes that that Exhibit 4D 00869 is the statement of a potential witness under the terms of Rules 92 *bis* to *quater* of the Rules, and consequently decides to reject the request for admission<sup>5</sup>;

**CONSIDERING** that the Chamber notes that Exhibit 4D 00408 has already been admitted by the Chamber and that the request for admission is thus moot;

**CONSIDERING** that the Chamber has examined each one of the Proposed Exhibits on the basis of the admissibility criteria defined in its Decision on Admission of Evidence of 13 July 2006 ("Decision of 13 July 2006");

**CONSIDERING** that the Chamber decides to admit into evidence the Proposed Exhibits marked as "admitted" in the Annex attached to this Decision because they were presented to Witness Husnija Mahmutović and they present sufficient indicia of relevance, probative value and reliability;

**CONSIDERING** that the Chamber decides not to admit into evidence the Proposed Exhibits marked as "not admitted" in the Annex attached to this Decision, because they do not comply with the instructions in the Decision of 13 July 2006;

**FOR THE FOREGOING REASONS,**

**PURSUANT TO** Articles 54 and 89 of the Rules;

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<sup>1</sup> IC /in court/ 00760.

<sup>2</sup> IC 00761 and IC 00762.

<sup>3</sup> Hearing transcript in French, p. 25744.

<sup>4</sup> IC 00764.

<sup>5</sup> *The Prosecutor v. Milan Milutinović et al.*, Case No. IT-05-87-T, Decision on Evidence Tendered Through Sandra Mitchel and Frederick Abrahams, 1 September 2006, paras. 11 to 13; *The Prosecutor v. Stanislav Galić*, Case No. IT-98-29-AR73.2, Decision on Interlocutory Appeal Concerning Rule 92 *bis* (C) of the Rules, 7 June 2002, para. 31.

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**DISMISSES** as moot the request to admit Exhibit 4D 00408 which was already admitted by the Chamber;

**GRANTS** the Prosecution request for admission;

**GRANTS** the Praljak Defence request for admission;

**REJECTS** the Petković Defence request for the reasons set out in this Decision;

**DECIDES** that there is reason to admit into evidence the Proposed Exhibits marked as "admitted" in the Annex attached to this Decision; **AND**

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

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Jean-Claude Antonetti  
Presiding Judge

Done this twenty third day of January 2008  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**

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**Annex**

<b>Exhibit No.</b>	<b>Party requesting the admission of exhibit</b>	<b>Admitted/Not admitted/Marked for identification (MFI)</b>
P 08377	Prosecution	Admitted
P 08461	Prosecution	Admitted
P 08462	Prosecution	Admitted
P 08463	Prosecution	Admitted
P 10015	Prosecution	Admitted
4D 00408	Petković Defence	Already admitted on 17 January 2008.
4D 00869	Petković Defence	Not Admitted
IC 00754	Praljak Defence	Admitted
IC 00755	Praljak Defence	Admitted