



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: 24 January 2008
ENGLISH
French
Original:

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: 24 January 2008

THE PROSECUTOR

v.

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

PUBLIC

**ORDER TO ADMIT EVIDENCE CONCERNING WITNESS CEDRIC
THORNBERRY**

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 at the hearing of 17 January 2008, the Office of the Prosecutor ("Prosecution") requested the admission of eight exhibits¹, whereas Counsel for the Accused Stojić ("Stojić Defence"), Counsel for the Accused Praljak ("Praljak Defence") and Counsel for the Accused Petković ("Petković Defence") requested, respectively, the admission of 2², 9³ and 7⁴ exhibits concerning the testimony of Cedric Thornberry ("Proposed Exhibits")⁵ who appeared from 14 to 16 January 2008,

CONSIDERING that the Chamber has heard the Prosecution objections to the admission of the Proposed Exhibits⁶,

CONSIDERING that the Chamber has examined each of the Proposed Exhibits based on the admission 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 Cedric Thornberry and present sufficient indicia of relevance, probative value and reliability,

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

FOR THE FOREGOING REASONS,

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

PARTLY GRANTS the requests for admission filed by the Prosecution, the Stojić Defence, the Praljak Defence and the Petković Defence,

DECIDES to admit into evidence the Proposed Exhibits marked "Admitted" or "Admitted in part" in the Annex attached to this Decision,

DECIDES to reject Exhibit P 04395 which was requested by the Stojić Defence for the reasons set out in the Annex attached to this Decision, **AND**

DECIDES by a majority of the Trial Chamber Judges to deny in all other requests the requests for admission by the Prosecution, the Praljak Defence and the Petković Defence for the reasons set out in the Annex attached to this Decision.

¹ IC /in court/ 00780.

² IC 00781

³ IC 00782

⁴ IC 00783

⁵ Hearing transcript in French, p. 20385.

⁶ IC 00785, IC 00786 and IC 00787.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this twenty-fourth day of January 2008
At The Hague
The Netherlands

[Seal of the Tribunal]

Annex

Exhibit No.	Party requesting admission of the exhibit	Admitted/Not admitted/Marked for identification (MFI)
P 01299	Praljak Defence	Not admitted by majority (reason: witness unable to enlighten the Chamber on the relevance, probative value or reliability of this document)
P 01353	Prosecution	Admitted under seal
P 02590	Prosecution	Admitted
P 03858 (5 pages in <i>e-court</i> : 0007-9691-06,0007-9691-07, 0007-9703, 0007-9704, 0007-9705)	Prosecution/Praljak Defence	Admitted in part (5 pages in English in the <i>e-court</i> system: 0007-9691-06,0007-9691-07, 0007-9703, 0007-9704, 0007-9705)
P 04027	Praljak Defence	Not admitted by majority (reason: witness unable to enlighten the Chamber on the relevance, probative value or reliability of this document)
P 04296	Prosecution	Admitted
P 04358	Praljak Defence	Admitted
P 04395	Stojić Defence	Not admitted (reason: this document was not presented to the witness)
P 04673	Prosecution	Admitted under seal
P 05007	Praljak Defence	Admitted
P 05033	Petković Defence	Admitted
P 05051	Petković Defence	Not admitted by majority (reason: witness unable to enlighten the Chamber on the relevance, probative value or reliability of this document)
P 07548	Petković Defence	Admitted under seal
P 09495	Prosecution/ Praljak Defence	Admitted under seal
P 10041 (Prosecution : paras. 1-5 ; 42 ; 54-72 Praljak Defence: paras. 39-41)	Prosecution/ Praljak Defence	Admitted in part (paras. 1-5; 39-41; 42; 54-72 ⁷)
2D 00455	Stojić Defence	Admitted
3D 01057	Praljak Defence	Not admitted by majority (reason: witness unable to

⁷ Pages in English in *ecourt* : pp. 1-2; p. 11 (paras. 39-42); p.14 (paras. 54-55) to p. 18 (paras. 69-72)

		enlighten the Chamber on the relevance, probative value or reliability of this document)
4D 00325	Petković Defence	Not admitted by majority (reason: witness unable to enlighten the Chamber on the relevance, probative value or reliability of this document)
4D 00722	Petković Defence	Admitted
4D 00736	Praljak Defence	Not admitted by majority (reason: witness unable to enlighten the Chamber on the relevance, probative value or reliability of this document)
4D 00770	Petković Defence	Admitted
4D 00930	Prosecution/ Petković Defence	Admitted in part (only 7 pages were presented and discussed by the witness: pp. 1, 13-14 and 19-22 ⁸)

⁸ Pages in English on *ecourt* : 4D23-0253, 4D23-0265, 4D23-0266, 4D23-0271, 4D23-0272, 4D23-0273, 4D23-0274.