



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: 31 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: 31 January 2008

THE PROSECUTOR

v.

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

PUBLIC

ORDER ADMITTING EVIDENCE RELATED TO WITNESS DZ

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 36 exhibits¹ while Counsel for the Accused Prlić (“Prlić Defence”), Counsel for the Accused Stojić (“Stojić Defence”), Counsel for the Accused Praljak (“Praljak Defence”) and Counsel for the Accused Petković (“Petković Defence”) requested the admission of 16,² 2,³ 6,⁴ and 3⁵ exhibits, respectively, related to the testimony of Witness DZ (“Proposed Exhibits”) who appeared from 22 to 24 January 2008,

CONSIDERING that the Chamber notes that Exhibits P 04768 and P 06929 were previously admitted on 16 January 2008 and that Exhibits P 02590, P 04296, P 04358, P 05007, P 05033 and P 09495 were previously admitted on 24 January 2008,

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 admits into evidence the Proposed Exhibits indicated “Admitted” in the Annex attached to this decision since they were put to the witness and bear sufficient indicia of relevance, probative value and reliability,

CONSIDERING that the Chamber does not 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,

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

¹ Prosecution Submission of Listed Exhibits Tendered in Connection with Witnesses DZ, filed confidentially on 25 January 2008.

² Jadranko Prlić’s Motion for Admission of Exhibits Tendered through Witness DZ, filed confidentially on 25 January 2008.

³ Bruno Stojić’s Motion for Admission of Documents Tendered through Witness DZ, filed confidentially on 25 January 2008.

⁴ The Accused Praljak List of Evidence regarding Witness “DZ”, filed on 25 January 2008.

⁵ Motion of Milivoj Petković for Admission of 3 Exhibits Tendered through Witness DZ, filed confidentially on 25 January 2008.

DISMISSES as moot the requests for admission of Exhibits P 02590, P 04296, P 04358, P04768, P 05007, P 05033, P 06929, P 09495 since they have already been admitted,

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

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

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

REJECTS by a majority Exhibits 1D 01595 and 1D 01936,

AND

DENIES in all other respects the requests for admission of the Prosecution, Prlić Defence and Praljak Defence.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this 31st 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 10367	Prosecution	Admitted under seal
P 01299	Prosecution	Admitted
P 02387	Petković Defence	Admitted
P 02441	Prosecution	Admitted
P 02590	Prosecution	Moot, exhibit already admitted by Decision of 24 January 2008
P 02641	Prosecution	Admitted
P 02652	Prosecution	Admitted
P 02900	Prosecution	Admitted
P 02904	Prosecution	Admitted
P 02913	Prosecution	Admitted
P 02930	Prosecution	Admitted
P 02960	Prosecution	Admitted
P 03206	Stojić Defence	Admitted
P 03428	Prlić Defence	Admitted
P 03858	Prosecution	Admitted
P 04027	Prosecution	Admitted
P 04296	Prosecution	Moot, exhibit already admitted by Decision of 24 January 2008
P 04358	Prosecution	Moot, exhibit already admitted by Decision of 24 January 2008
P 04511	Prlić Defence	Admitted
P 04573	Petković Defence	Admitted
P 04619	Stojić Defence	Admitted
P 04714	Prosecution	Admitted
P 04768	Prosecution	Moot, exhibit already admitted by Decision of 16 January 2008
P 04823	Prosecution	Admitted
P 04859	Prosecution	Admitted
P 05007	Prosecution/Praljak Defence	Moot, exhibit already admitted by Decision of 24 January 2008
P 05033	Prosecution	Moot, exhibit already admitted by Decision of 24 January 2008
P 05051	Prlić Defence	Admitted
P 05221	Prosecution	Admitted
P 05375	Prosecution	Admitted
P 05662	Prosecution	Admitted
P 06168	Praljak Defence	Admitted

P 06313	Prosecution	Admitted
P 06373	Prosecution	Admitted
P 06845	Prosecution	Admitted
P 06875	Prosecution	Admitted
P 06929	Prosecution	Moot, exhibit already admitted by Decision of 16 January 2008
P 06931	Prlić Defence	Admitted
P 07008	Prosecution	Admitted
P 07079	Prosecution/ Prlić Defence	Admitted
P 07493	Prlić Defence	Not admitted (reason: this document was not put to the witness)
P 07576	Prlić Defence	Admitted
P 07887	Prosecution	Admitted
P 07921	Prosecution	Admitted
P 07959	Prosecution	Admitted
P 08167	Prosecution	Admitted
P 09495	Prosecution	Moot, exhibit already admitted by Decision of 24 January 2008
1D 01595	Prlić Defence	Not admitted (witness unable to inform the Chamber about the probative value, reliability and relevance of the testimony)
1D 01874	Prlić Defence	Admitted
1D 01910	Prlić Defence	Admitted
1D 01936	Prlić Defence	Not admitted (the exhibit contains no cover page permitting authentication of the document)
1D 02094	Prlić Defence	Admitted
1D 02097	Prlić Defence	Admitted
1D 02098	Prlić Defence	Admitted
1D 02105	Prlić Defence	Not admitted (reason: unable to inform the Chamber about the relevance, probative value or reliability of this document)
1D 02189	Prlić Defence	Admitted
3D 00970	Praljak Defence	Admitted
3D 01135	Petković Defence	Admitted
3D 01139	Praljak Defence	Admitted
3D 01140	Praljak Defence	Admitted
3D 01141	Praljak Defence	Non admitted (not relevant to the case)