



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: 21 July 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: 21 July 2008

THE PROSECUTOR

v.

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

PUBLIC

**ORDER TO ADMIT EVIDENCE RELATIVE TO WITNESS ŽARKO
PRIMORAC**

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 Counsel for the Accused Prlić (“Prlić Defence”) and the Office of the Prosecutor (“Prosecution”) requested respectively the admission of 50¹ and 10² exhibits relative to the testimony of Žarko Primorac (“Proposed Exhibits”) who appeared from 24 to 26 June 2008,

CONSIDERING that none of the Parties made any objections to the admission of the Proposed Exhibits,

CONSIDERING that nine of the exhibits proposed by the Prlić Defence are not on the list of exhibits filed by the Prlić Defence pursuant to Rule 65 *ter* of the Rules of Procedure and Evidence (“65 *ter* List”) and that the Prlić Defence asked during the hearing of 25 June 2008 that they be added to the 65 *ter* List in order to present them to Witness Žarko Primorac (“Request to Add Exhibits to the 65 *ter* List”),³

CONSIDERING that neither the Prosecution nor the other Defence teams objects to the Request to add exhibits to the 65 *ter* List,⁴

CONSIDERING that the Chamber decides, after a *prima facie* examination of the reliability, relevance and probative value of exhibits 1D 02941, 1D 02942, 1D 02943, 1D 02944, 1D 02945, 1D 02947, 1D 02948 and 1D 02949, that they may be added to the 65 *ter* List,

CONSIDERING nevertheless that the Chamber notes that the Prlić Defence did not use Exhibit 1D 02946 during the hearing of Witness Žarko Primorac; consequently, that the Chamber considers that this exhibit is not essential for the Prlić Defence and thus there is no cause to add it to the 65 *ter* List,

CONSIDERING that the Chamber has examined each one of the Proposed Exhibits on the basis of the admission criteria defined in the Decision on Admission of

¹ IC 00818.

² IC 00819.

³ 1D 02941, 1D 2942, 1D 2943, 1D 2944, 1D 2945, 1D 2946, 1D 2947, 1D 2948 and 1D 2949, Trial Transcript in French (“CT(F)” p. 29892).

Evidence rendered by the Chamber on 13 July 2006 (“Decision of 13 July 2006”), and in the Decision Adopting Guidelines for the Presentation of Defence Evidence rendered by the Chamber on 24 April 2008 (“Decision of 24 April 2008”),⁵

CONSIDERING that the Chamber decides to admit into evidence the Proposed Exhibits marked “admitted” in the Annex attached to this decision since they were presented to Witness Žarko Primorac and bear sufficient indicia of reliability, relevance and probative value,

CONSIDERING that the Chamber decides not to admit into evidence the Proposed Exhibits marked “not admitted” in the Annex attached to this decision since they do not comply with the instructions set out in the Decisions of 13 July 2006 and 24 April 2008.

FOR THE FOREGOING REASONS,

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

AUTHORISES the Prlić Defence to add exhibits 1D 02941, 1D 02942, 1D 02943, 1D 02944, 1D 02945, 1D 02947, 1D 02948 and 1D 02949 to the 65 *ter* List,

DENIES the Prlić Defence request to add Exhibit 1D 02946 to the 65 *ter* List,

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

DECIDES to admit into evidence the Proposed Exhibits marked “admitted” in the Annex attached to this decision,

DENIES in all other respects the requests for admission by the Prlić Defence and the Prosecution for the reasons set out in the Annex attached to this decision **AND**

DECLARES MOOT the request by the Prlić Defence with regard to Exhibit 1D 01773 for the reason set out in the Annex attached to this decision,

⁴ CT(F) pp. 29988 and 29989, hearing of 26 June 2008.

⁵ Guideline 8 regarding the admission of documentary evidence through a witness.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this twenty-first day of July 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)
1D 01292	Prlić Defence	Admitted
1D 01339	Prlić Defence	Admitted
1D 01408	Prlić Defence	Not admitted, reason: the witness did not explain the document's relevance or probative value to the Chamber.
1D 01558	Prlić Defence	Admitted
1D 01584	Prlić Defence	Not admitted, reason: the Prlić Defence did not specify the pages of the document requested for admission.
1D 01620	Prlić Defence	Admitted
1D 01621	Prlić Defence	Admitted
1D 01622	Prlić Defence	Admitted
1D 01623	Prlić Defence	Admitted
1D 01630	Prlić Defence	Not admitted, reason: the witness did not explain the document's relevance or probative value to the Chamber
1D 01632	Prlić Defence	Admitted
1D 01773	Prlić Defence	Moot. (Reason: Already admitted on 17 July 2008).
1D 01927	Prlić Defence	Admitted
1D 01928	Prlić Defence	Admitted
1D 01929	Prlić Defence	Admitted
1D 01930	Prlić Defence	Admitted
1D 01931	Prlić Defence	Admitted
1D 02047	Prlić Defence	Admitted
1D 02226	Prlić Defence	Admitted
1D 02232	Prlić Defence	Admitted
1D 02356	Prlić Defence	Admitted
1D 02446	Prlić Defence	Admitted
1D 02645	Prlić Defence	Admitted
1D 02681	Prlić Defence	Admitted
1D 02682	Prlić Defence	Admitted
1D 02683	Prlić Defence	Admitted

1D 02684	Prlić Defence	Admitted
1D 02686	Prlić Defence	Admitted
1D 02687	Prlić Defence	Admitted
1D 02688	Prlić Defence	Admitted
1D 02689	Prlić Defence	Admitted
1D 02690	Prlić Defence	Admitted
1D 02691	Prlić Defence	Admitted.
1D 02693	Prlić Defence	Admitted
1D 02694	Prlić Defence	Admitted
1D 02695	Prlić Defence	Admitted
1D 02696	Prlić Defence	Admitted.
1D 02697	Prlić Defence	Admitted
1D 02698	Prlić Defence	Admitted
1D 02709	Prlić Defence	Admitted.
1D 02712	Prlić Defence	Admitted
1D 02941	Prlić Defence	Admitted
1D 02942	Prlić Defence	Admitted
1D 02943	Prlić Defence	Admitted
1D 02944	Prlić Defence	Admitted
1D 02945	Prlić Defence	Admitted
1D 02947	Prlić Defence	Admitted
1D 02948	Prlić Defence	Admitted
1D 02649	Prlić Defence	Admitted
P 00281	Prosecution	Admitted
P 09255	Prosecution	Admitted
P 10467	Prosecution	Admitted
P 10496	Prosecution	Admitted
P 10501	Prosecution	Admitted
P 10503	Prosecution	Admitted
P 10504	Prosecution	Admitted
P 10506	Prosecution	Admitted
P 10507	Prosecution	Admitted
1D 02663	Prosecution	Not admitted. The Prosecution did not specify the <i>ecourt</i> numbers of the pages requested for admission