



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: 1 September 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: 1 September 2008

THE PROSECUTOR

v.

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

PUBLIC

ORDER ADMITTING EVIDENCE RELATED TO WITNESS ZORAN BUNTIĆ

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”) requested the admission of 105 exhibits¹ while Counsel for the Accused Stojić (“Stojić Defence”), Counsel for the Accused Praljak (“Praljak Defence”), Counsel for the Accused Petković (“Petković Defence”), Counsel for the Accused Ćorić (“Ćorić Defence”), and the Office of the Prosecutor (“Prosecution”) requested the admission of 16,² 1,³ 12,⁴ 27⁵ and 8⁶ exhibits, respectively, related to the testimony of Zoran Buntić (“Proposed Exhibits”) who appeared from 7 to 18 July 2008,

CONSIDERING that among the Proposed Exhibits, the Praljak Defence requests the admission of Exhibit 3D 03216 under Rule 92 *ter* of the Rules of Procedure and Evidence (“Rules”),⁷

CONSIDERING that the Chamber has considered the Prosecution objections against the admission of certain Proposed Exhibits offered by the Prlić Defence⁸ and Petković Defence,⁹ but notes that the Prosecution does not object to the admission of Proposed Exhibits offered by the Stojić Defence, Praljak Defence and Ćorić Defence,

CONSIDERING that the Prosecution objects to the admission of Exhibits 1D 01596, 1D 01597, 1D 01598, 1D01599, 1D 01600, 1D 01601 and 1D 01602, offered by the Prlić Defence, on the ground that these documents were read out loud to the witness by Counsel for the Accused Prlić, but that no question was put to the witness in respect of them,¹⁰

¹ IC 00827.

² IC 00828.

³ IC 00829.

⁴ IC 00830.

⁵ IC 00831.

⁶ IC 00832.

⁷ Slobodan Praljak’s Notice Regarding His Intent to Tender Zoran Buntić’s Statement Pursuant to Rule 92 *ter*, 4 June 2008.

⁸ Prosecution Consolidated Response to the Request of the Accused for Admission of Exhibits Tendered Through Witness Zoran Buntić, 22 July 2008, hereinafter “Prosecution Consolidated Response, para. 2.

⁹ Prosecution Consolidated Response, para. 11.

¹⁰ Prosecution Consolidated Response, paras. 2-5.

CONSIDERING that the Prosecution objects to the admission of Exhibits 1D 01974, 1D 02015, 1D 02005, 1D 02341, 1D 02378, 1D 02377, 1D 02376, 1D 02369, 1D 02375, 1D 02374, 1D 02368, 1D 01777, 1D 01797, 1D 02285, 1D 01976, 1D 02372 and 1D 02909, offered by the Prlić Defence, on the ground that the witness was unable to inform the Chamber as to the reliability, relevance or probative value of the document,¹¹

CONSIDERING that the Prosecution objects to the admission of Exhibit 1D 01672, offered by the Petković Defence, on the ground that the witness was unable to inform the Chamber as to the reliability, relevance or probative value of the document,¹²

CONSIDERING that the Chamber notes that, contrary to the Prosecution's assertion, the Prlić Defence did not request the admission of Exhibit 1D 01602,¹³

CONSIDERING that the Chamber is of the view that Witness Zoran Buntić is not the appropriate witness to discuss the reliability, relevance or probative value of Exhibits 1D 01596, 1D 01597, 1D 01598, 1D01599, 1D 01600, 1D 01601, which are letters regarding the establishment of a provisional government for the Republic of Bosnia and Herzegovina,¹⁴

CONSIDERING moreover that the Prlić Defence did not truly give Witness Zoran Buntić the opportunity to comment individually on Exhibits 1D 01777, 1D 01974, 1D 02005, 1D 02015, 1D 02285, 1D 02341, 1D 02368, 1D 02369, 1D 02372, 1D 02374, 1D 02375, 1D 02376, 1D 02377 and 1D 02378,¹⁵

CONSIDERING that concerning Exhibits 1D 01672, 1D 01797 and 1D 01976, the Chamber considers that, contrary to the Prosecution's submission, Witness Zoran Buntić was able to comment on the reliability, relevance or probative value of the exhibit,¹⁶

CONSIDERING that with regard to Exhibit 1D 02909, the Prlić Defence failed to specify which pages of this document it requests for admission as required by

¹¹ Prosecution Consolidated Response, paras. 6-9 and 10.

¹² Prosecution Consolidated Response, para. 11.

¹³ IC 00827.

¹⁴ Hearing of 9 July 2008, Transcript in French ("T(F)") pp. 30478-30480.

¹⁵ Hearing of 9 July 2008, T(F) pp. 30478-30480 and 30491-30493.

paragraph 30 of the Decision Adopting Guidelines for the Presentation of Defence Evidence, rendered by the Chamber on 24 April 2008 (“Decision of 24 April 2008”),

CONSIDERING that the Chamber has examined each of the Proposed Exhibits on the basis of the admissibility criteria set out in the Decision on Admission of Evidence, rendered by the Chamber on 13 July 2006 (“Decision of 13 July 2006”), and in the Decision of 24 April 2008,¹⁷

CONSIDERING that the Chamber decides to admit into evidence the Proposed Exhibits indicated “Admitted” in the annex attached to this decision, because they were put to Witness Zoran Buntić in court and bear sufficient indicia of relevance, reliability and probative value,

CONSIDERING that the Chamber decides not to admit into evidence the Proposed Exhibits indicated “Not Admitted” in the annex attached to this decision, because they fail to satisfy the requirements set out in the Decisions of 13 July 2006 and 24 April 2008,

FOR THESE REASONS,

IN ACCORDANCE with Rules 54 and 89 of the Rules,

GRANTS the requests for admission from the Praljak Defence and Ćorić Defence,

PARTIALLY GRANTS the requests for admission from the Prlić Defence, Stojić Defence, Petković Defence, and the Prosecution,

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

DENIES in all other respects the requests for admission from the Prlić Defence, Stojić Defence, Petković Defence and the Prosecution, for the reasons set out in the Annex to this decision, **AND**

¹⁶ Respectively at the hearing of 15 July 2008, T(F) p. 30711; at the hearing of 14 July 2008, T(F) p. 30656 and at the hearing of 14 July 2008, T(F) pp. 30612-30620.

¹⁷ Guideline 8 related to the admission of documentary evidence through a witness.

DISMISSES AS MOOT the request for admission from the Prlić Defence with respect to Exhibits 1D 00509, 1D 00899, 1D 01558, 1D 01972, 1D 02407, 1D 02408, 1D 02409, 1D 02410, 1D 02411, 1D 02412, 1D 02413 and 1D 02565 for the reasons set out 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 first day of September 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)
1D00001	Prlić Defence	Admitted
1D00005	Prlić Defence	Admitted
1D00015	Prlić Defence	Admitted
1D00073	Prlić Defence	Admitted
1D00074	Prlić Defence	Admitted
1D00075	Prlić Defence	Admitted
1D00076	Prlić Defence	Admitted
1D00079	Prlić Defence	Not admitted (Reason: exhibit not put to the witness)
1D00081	Prlić Defence	Admitted
1D00083	Prlić Defence	Admitted
1D00085	Prlić Defence	Admitted
1D00086	Prlić Defence	Admitted
1D00087	Prlić Defence	Admitted
1D00088	Prlić Defence	Admitted
1D00113	Prlić Defence	Admitted
1D00126	Prlić Defence	Admitted
1D00131	Prlić Defence	Admitted
1D00133	Prlić Defence	Admitted
1D00138	Prlić Defence	Admitted
1D00139	Prlić Defence	Admitted
1D00161	Prlić Defence	Admitted
1D00174	Prlić Defence	Admitted
1D00201	Prlić Defence	Admitted
1D00265	Prlić Defence	Admitted
1D00274	Prlić Defence	Admitted
1D00509	Prlić Defence	Moot (Reason: Already admitted by Order Admitting Evidence Related to Witness Mile Akmadžić of 17 July 2008 "Order of 17 July 2008").
1D00523	Prlić Defence	Not admitted (Reason: exhibit not put to the witness)
1D00591	Prlić Defence	Admitted
1D00899	Prlić Defence	Not admitted (Exhibit identical to the exhibit already admitted under as P 00206, by "Decision on the Prosecution Motion for Admission

		of Documentary Evidence”, of 11 December 2007)
1D01105	Prlić Defence and Stojić Defence	Admitted
1D01179	Prlić Defence and Stojić Defence	Admitted
1D01558	Prlić Defence	Moot (Already admitted by Order to Admit Evidence Relative to Witness Zarko Primorać of 21 July 2008)
1D01596	Prlić Defence	Not admitted (Reason: witness unable to comment on the reliability, relevance or probative value of the exhibit)
1D01597	Prlić Defence	Not admitted (Reason: witness unable to comment on the reliability, relevance or probative value of the exhibit)
1D01598	Prlić Defence	Not admitted (Reason: witness unable to comment on the reliability, relevance or probative value of the exhibit)
1D01599	Prlić Defence	Not admitted (Reason: witness unable to comment on the reliability, relevance or probative value of the exhibit)
1D01600	Prlić Defence	Not admitted (Reason: witness unable to comment on the reliability, relevance or probative value of the exhibit)
1D01601	Prlić Defence	Not admitted (Reason: witness unable to comment on the reliability, relevance or probative value of the exhibit)
1D01659	Prlić Defence and Petković Defence	Not admitted (Reason: party failed to specify which pages of the document it requests for admission as required by paragraph 30 of the Decision of 24 April 2008)
1D01670	Prlić Defence	Admitted
1D01675	Prlić Defence	Admitted
1D01777	Prlić Defence	Not admitted (witness did not comment on this exhibit)
1D01778	Prlić Defence	Not admitted (Reason: party failed to specify which pages of the document it requests for admission as required by paragraph 30 of the Decision of 24 April 2008)
1D01797	Prlić Defence and Stojić Defence	Admitted

1D01813	Prlić Defence	Admitted
1D01898	Prlić Defence	Admitted
1D01925	Prlić Defence	Admitted
1D01972	Prlić Defence	Moot (Reason: Already admitted by "Order of 17 July 2008")
1D01974	Prlić Defence	Not admitted (witness did not comment on this exhibit)
1D01976	Prlić Defence and Stojić Defence	Admitted
1D01978	Prlić Defence	Admitted
1D01979	Prlić Defence	Admitted
1D01981	Prlić Defence	Admitted
1D02001	Prlić Defence	Admitted
1D02003	Prlić Defence	Admitted
1D02004	Prlić Defence and Stojić Defence	Admitted
1D02005	Prlić Defence	Not admitted (witness did not comment on this exhibit)
1D02013	Prlić Defence	Admitted
1D02015	Prlić Defence	Not admitted (witness did not comment on this exhibit)
1D02053	Prlić Defence	Admitted
1D02117	Prlić Defence	Admitted
1D02123	Prlić Defence	Admitted
1D02124	Prlić Defence	Admitted
1D02132	Prlić Defence	Admitted
1D02253	Prlić Defence	Admitted
1D02254	Prlić Defence	Admitted
1D02255	Prlić Defence	Admitted
1D02257	Prlić Defence	Admitted
1D02258	Prlić Defence	Admitted
1D02259	Prlić Defence	Admitted
1D02260	Prlić Defence	Admitted
1D02261	Prlić Defence	Admitted
1D02262	Prlić Defence	Admitted
1D02280	Prlić Defence	Admitted
1D02285	Prlić Defence	Not admitted (witness did not comment on this exhibit)
1D02314	Prlić Defence	Admitted
1D02338	Prlić Defence	Admitted
1D02341	Prlić Defence	Not admitted (witness did not

		comment on this exhibit)
1D02368	Prlić Defence	Not admitted (witness did not comment on this exhibit)
1D02369	Prlić Defence	Not admitted (witness did not comment on this exhibit)
1D02370	Prlić Defence	Admitted
1D02372	Prlić Defence	Not admitted (witness did not comment on this exhibit)
1D02374	Prlić Defence	Not admitted (witness did not comment on this exhibit)
1D02375	Prlić Defence	Not admitted (witness did not comment on this exhibit)
1D02376	Prlić Defence	Not admitted (witness did not comment on this exhibit)
1D02377	Prlić Defence	Not admitted (witness did not comment on this exhibit)
1D02378	Prlić Defence	Not admitted (witness did not comment on this exhibit)
1D02379	Prlić Defence	Admitted
1D02381	Prlić Defence	Admitted
1D02382	Prlić Defence	Admitted
1D02383	Prlić Defence	Admitted
1D02384	Prlić Defence	Admitted
1D02388	Prlić Defence	Admitted
1D02407	Prlić Defence	Moot (Reason: Already admitted by "Order of 17 July 2008").
1D02408	Prlić Defence	Moot (Reason: Already admitted by "Order of 17 July 2008").
1D02409	Prlić Defence	Moot (Reason: Already admitted by "Order of 17 July 2008").
1D02410	Prlić Defence	Moot (Reason: Already admitted by "Order of 17 July 2008").
1D02411	Prlić Defence	Moot (Reason: Already admitted by "Order of 17 July 2008").
1D02412	Prlić Defence	Moot (Reason: Already admitted by "Order of 17 July 2008").
1D02413	Prlić Defence	Moot (Reason: Already admitted by "Order of 17 July 2008").
1D02546	Prlić Defence	Admitted
1D02565	Prlić Defence	Moot (Reason: Already admitted by "Order of 17 July 2008").
1D02738	Prlić Defence	Admitted
1D02836	Prlić Defence	Admitted
1D02909	Prlić Defence	Not admitted (Reason: party failed to specify which pages of the document it requests for admission)

		as required by paragraph 30 of the Decision of 24 April 2008).
P00420	Stojić Defence	Admitted
P01842	Stojić Defence	Admitted
1D01180	Stojić Defence	Admitted
1D01184	Stojić Defence and Prosecution	Admitted
1D01612	Stojić Defence	Admitted
1D02210	Stojić Defence	Admitted
2D00033	Stojić Defence	Admitted
2D00506	Stojić Defence	Admitted
2D01262	Stojić Defence	Not admitted (Reason: party failed to specify which pages of the document it requests for admission as required by paragraph 30 of the Decision of 24 April 2008).
2D01412	Stojić Defence	Admitted
4D01105	Stojić Defence and Petković Defence	Not admitted (Reason: party failed to specify which pages of the document it requests for admission as required by paragraph 30 of the Decision of 24 April 2008).
3D03216	Praljak Defence	Admitted
1D01182	Petković Defence	Admitted
1D01608	Petković Defence	Admitted
1D01609	Petković Defence	Admitted
1D01610	Petković Defence	Admitted
1D01664	Petković Defence	Admitted
1D01666	Petković Defence	Admitted
1D01667	Petković Defence	Admitted
1D01669	Petković Defence	Admitted
1D01672	Petković Defence	Admitted
4D00471	Petković Defence	Admitted
P03482	Ćorić Defence	Admitted
P03571	Ćorić Defence	Admitted
P07846	Ćorić Defence	Admitted
1D02006	Ćorić Defence	Admitted
5D04151	Ćorić Defence	Admitted
5D04153	Ćorić Defence	Admitted
5D04160	Ćorić Defence	Admitted
5D04164	Ćorić Defence	Admitted

5D04170	Ćorić Defence	Admitted
5D04171	Ćorić Defence	Admitted
5D04172	Ćorić Defence	Admitted
5D04175	Ćorić Defence	Admitted
5D04178	Ćorić Defence	Admitted
5D04179	Ćorić Defence	Admitted
5D04181	Ćorić Defence	Admitted
5D04182	Ćorić Defence	Admitted
5D04183	Ćorić Defence	Admitted
5D04194	Ćorić Defence	Admitted
5D04215	Ćorić Defence	Admitted
5D04234	Ćorić Defence	Admitted
5D04236	Ćorić Defence	Admitted
5D04245	Ćorić Defence	Admitted
5D04246	Ćorić Defence	Admitted
5D04247	Ćorić Defence	Admitted
5D04248	Ćorić Defence	Admitted
5D04255	Ćorić Defence	Admitted
5D04288	Ćorić Defence	Admitted
1D01607	Prosecution	Admitted
1D02011	Prosecution	Admitted
1D02366	Prosecution	Not admitted (Reason: party failed to specify which pages of the document it requests for admission as required by paragraph 30 of the Decision of 24 April 2008).
P01760	Prosecution	Admitted
P02181	Prosecution	Admitted
P03571	Prosecution	Admitted
P10517	Prosecution	Admitted