



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: 19 December 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

Decision of: 19 December 2008

THE PROSECUTOR

v.

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

PUBLIC

**DECISION ON PRLIĆ DEFENCE MOTION FOR THE ADMISSION OF
DOCUMENTARY EVIDENCE**

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”),

SEIZED of Jadranko Prlić’s Motion for the Admission of Documentary Evidence, presented by Counsel for the Accused Prlić (“Prlić Defence”) on 5 December 2008 (“Motion”), in which the Prlić Defence requests that the Chamber admit several documentary exhibits (“Proposed Exhibits”),

CONSIDERING that, having read the Motion, the Chamber finds that two points ought to be dealt with now, before the Office of the Prosecutor (“Prosecution”) and the other Defence teams file their responses to the Motion,

CONSIDERING, firstly, that the Chamber notes in the Motion that the Prlić Defence states that for several Proposed Exhibits, it has replaced the name of the document source by a pseudonym on the ground that these documents were provided to it on condition that the source not be revealed,¹

CONSIDERING that the Chamber recalls that the Prlić Defence did not seize it of a motion for protective measures for these documents and explain why such protective measures would be necessary and pursuant to which rule of the Rules of Procedure and Evidence (“Rules”) they could be requested,

CONSIDERING that the Chamber recalls that Guideline 9 of the Decision Adopting Guidelines for the Presentation of Defence Evidence of 24 April 2008 (“Guideline 9”) requires that the party requesting the admission of documentary evidence in a written motion, must, *inter alia*, provide the source of the exhibit of the document requested for admission and a description of its indicia of reliability,

CONSIDERING that in the present case, the fact that the Prlić Defence has not revealed the sources of some of the Proposed Exhibits prevents the Chamber and the other parties from evaluating their reliability,

¹ Motion, para. 4.

CONSIDERING, consequently, that the Chamber holds that the Prlić Defence must seize it of a motion for protective measures for the Proposed Exhibits for which it wishes to protect the source, and not redact the source on its own initiative,

CONSIDERING, secondly, that the Chamber notes that, although the Prlić Defence has done substantial work in classifying the Proposed Exhibits according to subject matter, almost 400 Proposed Exhibits, however, are classified in extremely general categories (Municipality: general (275) and HVO HZ H-B: general (121)),²

CONSIDERING that the Chamber finds that the Prlić Defence must classify these Proposed Exhibits in more specific categories, such as done in the Motion for the other Proposed Exhibits, by referring to the relevant paragraphs of the Amended Indictment of 11 June 2008 (“Indictment”),

FOR THESE REASONS,

IN ACCORDANCE with Rules 54 and 89 (C) of the Rules,

ORDERS as follows:

- (1) the Prlić Defence shall file a motion in due form by 6 January 2009 at the latest for protective measures for the Proposed Exhibits for which it does not wish to reveal the source, **AND**
- (2) the Prlić Defence shall classify the ca. 400 Proposed Exhibits into specific and non-general categories, by referring to the relevant paragraphs of the Amended Indictment by 6 January 2009 at the latest.

² Motion, para. 5.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this nineteenth day of December 2008
At The Hague
The Netherlands

[Seal of the Tribunal]