



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: 12 March 2009
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

Acting Registrar: Mr John Hocking

Order of: 12 March 2009

THE PROSECUTOR

v.

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

PUBLIC

**ORDER ON THE ADMISSION OF EVIDENCE RELATED TO WITNESS ANTE
KVEŠIĆ**

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 Counsel for the Accused Stojić (“Stojić Defence”) and the Office of the Prosecutor (“Prosecution”) requested the admission of 14¹ and 10² exhibits, respectively, related to the testimony of Ante Kvešić (“Proposed Exhibits”), who appeared on 25 February 2009,

CONSIDERING that the Chamber has examined the objections raised by Counsel for the Accused Pušić (“Pušić Defence”) to one of the Proposed Exhibits tendered by the Prosecution, P 03064,³

CONSIDERING furthermore that the Chamber notes that Proposed Exhibit 2D 00566 has already been admitted by the Chamber⁴ and that, consequently, the request for admission is moot in this respect,

CONSIDERING that the Chamber further notes that page 11 of the BCS version and page 20 of the English version of Proposed Exhibit P 03355 have already been admitted by the Chamber⁵ and that, consequently, the request for admission is moot in this respect,⁶

CONSIDERING that the Chamber notes that the English translation of Exhibit 2D 00968, tendered for admission by the Stojić Defence, is incomplete in that the remarks *otišao* and *ponovo primljen(a)* affixed beside the names of certain individuals on this list, are absent from the English translation of this exhibit uploaded onto *ecourt*, even though the Stojić Defence examined to Witness Ante Kvešić on the meaning of these remarks,

¹ IC 00933.

² IC 00934.

³ IC 00936

⁴ Order to Admit Evidence Regarding Witness Andrew Pringle dated 29 November 2007.

⁵ Order to Admit Evidence Regarding Witness Stipe Buljan of 10 March 2009.

⁶ Reference to the *ecourt* page numbers of the document.

CONSIDERING that the Chamber nonetheless deems that Exhibit 2D 00968 should be admitted, although it orders the Stojić Defence to file a full English translation of this exhibit and to upload it onto *ecourt*,

CONSIDERING that the Chamber has examined each of the Proposed Exhibits on the basis of the admissibility criteria set out in its Decision on the Admission of Evidence of 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”),⁷

CONSIDERING that the Chamber decides to admit into evidence the Proposed Exhibits indicated “Admitted” in the Annex attached to this Decision since they were put to Witness Ante Kvešić 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, since they fail to comply with the requirements of the Decisions of 13 July 2006 and 24 April 2008, for the reasons set out in the Annex attached to this decision,

FOR THE FOREGOING REASONS,

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

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

DECIDES that there is cause to admit into evidence the Proposed Exhibits indicated “Admitted” in the Annex attached to this Decision,

⁷ Guideline 8 on the admission of documentary evidence through a witness.

ORDERS the Stojić Defence to file and upload onto *ecourt* a full English translation of Exhibit 2D 00968 for the reasons set out in this order,

DISMISSES AS MOOT the Prosecution's request as it relates to Proposed Exhibit 2D 00566 and the requests of the Prosecution and the Stojić Defence as they relate to page 11 of the BCS version and page 20 of the English version of Proposed Exhibit P 03355, for the reasons set out in the Annex attached to this decision,

DENIES in all other respects the requests for admission of the Proposed Exhibits from the Stojić Defence and the Prosecution 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 twelfth day of March 2009

At The Hague

The Netherlands

[Seal of the Tribunal]

Annex

Exhibit Number (preferably in numerical order)	Party Proposing Admission of the Exhibits	Admitted/Not admitted/Marked for Identification (MFI)
2D 00303	Stojić Defence	Not admitted (Reason: the document is not on the Stojić Defence 65 <i>ter</i> List)
2D 00328	Stojić Defence	Admitted
2D 00602	Stojić Defence	Admitted (List of names : register of patients at the Department of Neuropsychiatry of the Mostar Hospital, 31 August 1994 – 14 March 1995)
2D 00603	Stojić Defence	Admitted (List of names : register of patients at the Department of Neuropsychiatry of the Mostar Hospital from 12 March 1993 to 12 April 1995)
2D 00964	Stojić Defence/Prosecution	Admitted
2D 00965	Stojić Defence/Prosecution	Admitted
2D 00966	Stojić Defence	Admitted
2D 00967	Stojić Defence	Admitted
2D 00968	Stojić Defence	Admitted
2D 00971	Stojić Defence	Admitted
2D 02018	Stojić Defence	Admitted
2D 02019	Stojić Defence	Not admitted (Reason: the document is not on the Stojić Defence 65 <i>ter</i> List)
P 02253	Stojić Defence	Admitted
P 03355	Stojić Defence/Prosecution	Moot in respect of page 11 of the BCS version and page 20 of the English version (Reason: already admitted by the Order to Admit Evidence Related to Witness Stipe Buljan dated 10 March 2009) Not admitted in all other respects (Reason: Neither the Stojić Defence nor the Prosecution specified in their

		respective IC lists which pages of this 39-page document in BCS they are requesting for admission, as required in paragraph 30 of the Decision of 24 April 2008. The Stojić Defence put only 4 pages to the witness and the Prosecution 6 pages.)
P 02157 (Excerpt requested for admission: 42 min 01 sec. to 42 min. 54 sec.)	Prosecution	Not admitted (Reason: the excerpt of the video tendered for admission does not correspond to the description of the video given on the Prosecution's IC 00934 list.)
P 02377	Prosecution	Admitted
P 03064	Prosecution	Admitted
P 03219	Prosecution	Admitted
P 04157	Prosecution	Admitted
2D 00566	Prosecution	Moot (Reason: already admitted by the Order to Admit Evidence Regarding Witness Andrew Pringle dated 29 November 2007)
2D 00969	Prosecution	Not admitted (Reason : the Prosecution did not put the exhibit to the witness)