



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: 23 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: 23 March 2009

THE PROSECUTOR

v.

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

PUBLIC

**ORDER ON THE ADMISSION OF EVIDENCE REGARDING WITNESS DRAGAN
PINJUH**

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 Petković (“Petković Defence”) and the Office of the Prosecutor (“Prosecution”) requested the admission of 13,¹ 3² and 2³ exhibits, respectively, related to the testimony of Witness Dragan Pinjuh (“Proposed Exhibits”), who appeared on 4 March 2009,

CONSIDERING that the Chamber has examined the objections raised by the Prosecution to three Proposed Exhibits from the Stojić Defence, namely Exhibits 1D 02173, 2D 01190 and 2D 01193,⁴ and to three Proposed Exhibits from the Petković Defence, namely Exhibits 4D 01266, 4D 01500 and 4D 01714,⁵

CONSIDERING that the Chamber has examined the responses presented by the Stojić Defence to the objections raised by the Prosecution against the three above-mentioned Proposed Exhibits from the Stojić Defence,⁶

CONSIDERING that the Chamber has examined each of the Proposed Exhibits based on the admissibility criteria defined in the Decision on the Admission of 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”),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 Dragan Pinjuh and bear sufficient indicia of relevance, probative value and reliability,

¹ IC 00939.

² IC 00940.

³ IC 00941.

⁴ IC 00943.

⁵ IC 00944.

⁶ IC 00951.

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

CONSIDERING that the Chamber decides not to admit into evidence the Proposed Exhibits indicated “Not Admitted” in the Annex attached to this decision since they do not conform to the instructions 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,

GRANTS the Stojić Defence request for admission,

PARTIALLY GRANTS the requests for admission of the Petković 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,

DENIES in all other respects the requests for admission of the Petković 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 twenty-third 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)
1D02173	Stojić Defence	Admitted
2D01177	Stojić Defence	Admitted
2D01178	Stojić Defence	Admitted
2D01179	Stojić Defence	Admitted
2D01180	Stojić Defence	Admitted
2D01181	Stojić Defence	Admitted
2D01182	Stojić Defence	Admitted
2D01183	Stojić Defence	Admitted
2D01185	Stojić Defence	Admitted
2D01188	Stojić Defence	Admitted
2D01190	Stojić Defence	Admitted
2D01193	Stojić Defence	Admitted
2D01195	Stojić Defence	Admitted
4D01266	Petković Defence	Admitted
4D01500	Petković Defence	Not admitted (Reason: the witness only read the document and did not comment on the reliability, relevance or probative value of the exhibit.)
4D01714	Petković Defence	Admitted
2D00996	Prosecution	Not admitted (Reason: the witness did not comment on the reliability, relevance or probative value of the exhibit.)
2D01196	Prosecution	Admitted