



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 ĆORIĆ
Berislav PUŠIĆ**

PUBLIC

**ORDER ON THE ADMISSION OF EVIDENCE RELATED TO WITNESS
TIHOMIR MAJIĆ**

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”),

NOTING the request for the admission of 11 exhibits tendered by Counsel for the Accused Stojić (“Stojić Defence”)¹ and the request for the admission of two exhibits tendered by the Office of the Prosecutor (“Prosecution”),² both relating to the testimony of Witness Tihomir Majić (“Proposed Exhibits”), who appeared on 9 March 2009,

NOTING the objections raised by the Prosecution to some of the Proposed Exhibits from the Stojić Defence (“Prosecution Response”)³ and the Reply filed by the Stojić Defence in response to these objections (“Reply”),⁴

CONSIDERING first that the Chamber notes that, as uploaded onto *ecourt*, the BCS versions of Proposed Exhibits 2D 01252 and 2D 01254 requested for admission by the Stojić Defence are of very poor quality; that it is therefore necessary that the Stojić Defence upload onto *ecourt* a proper BCS version of the said Proposed Exhibits,

CONSIDERING furthermore that the Chamber notes that, in its request for admission, the Stojić Defence refers to the document page numbers and not to the page numbers as they stand in *ecourt*,

CONSIDERING that in view of the Chamber’s practice which requires that the pages of the documents requested for admission by the Parties be cited according to the page numbers in the English version of the document in *ecourt*, the Chamber again calls upon the Parties to conform to this practice,

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”),

¹ IC 00 945.

² IC 00 946.

³ IC 00 947.

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 indicated “admitted” in the Annex attached to this decision as they were put to Witness Tihomir Majić and present sufficient indicia of relevance, probative value and reliability,

CONSIDERING that the Chamber decides not to admit into evidence the Proposed Exhibits indicated “not admitted” in the Annex attached to this decision as they do not comply with the requirements laid down in the Decisions of 13 July 2006 and 24 April 2008 for the reasons set out in the Annex attached to this decision,

⁴ IC 00 953.

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

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 Prosecution's request for admission,

ORDERS the Stojić Defence to upload onto e-court a proper version of Exhibits 2D 01252 and 2D 01254 for the reasons set out in this order,

DECIDES that there is reason to admit into evidence the Proposed Exhibits indicated "Admitted" in the Annex attached to this decision,

DENIES in all other respects that the request admission of the Prosecution's Proposed Exhibits 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 Exhibit	Admitted/Not admitted/Marked for Identification (MFI)
2D 00008 (Pages requested for admission : BCS 2D03-0001 to 2D03-0010 and 2D03-0012 to 2D03-0016; the entire English translation of the document)	Stojić Defence	Admitted (Pages 1 to 10 of the BCS version ⁶ and the entire English translation)
2D 00630	Stojić Defence	Admitted
2D 00898	Stojić Defence	Admitted
2D 00955	Stojić Defence	Admitted
2D 01024	Stojić Defence	Admitted
2D 01041	Stojić Defence	Admitted
2D 01252	Stojić Defence	Admitted
2D 01253	Stojić Defence	Admitted
2D 01254	Stojić Defence	Admitted
3D 00436	Stojić Defence	Admitted
3D 00437	Stojić Defence	Admitted
P 10887	Prosecution	Admitted
2D 01250	Prosecution	Not admitted (Reason: the witness did not comment on the relevance or probative value of the exhibit.)

⁶ Numbers corresponding to the pages in *ecourt*.