



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 January 2010
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 John Hocking

Order of: 19 January 2010

THE PROSECUTOR

v.

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

PUBLIC

ORDER TO ADMIT EVIDENCE REGARDING WITNESS BOŽO PAVLOVIĆ

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 Stojic
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 to admit 22 exhibits submitted by Counsel for the Accused Petković (“Petković Defence”),¹ the request to admit 2 exhibits submitted by Counsel for the Accused Prlić (“Prlić Defence”),² the request to admit 2 exhibits submitted by Counsel for the Accused Stojić (“Stojić Defence”),³ the request to admit 7 exhibits submitted by Counsel for the Accused Praljak (“Praljak Defence”),⁴ the request to admit 10 exhibits submitted by Counsel for the Accused Ćorić (“Ćorić Defence”)⁵ and the request to admit 10 exhibits submitted by the Office of the Prosecutor (“Prosecution”)⁶ (“Proposed Exhibit(s)”), all six relating to the testimony of Witness Božo Pavlović (“Witness”) who appeared from 16 to 18 November 2009,

NOTING the objection formulated by the Prosecution to a Proposed Exhibit submitted by the Praljak Defence⁷ and the objections formulated by the Petković Defence to 3 Proposed Exhibits submitted by the Prosecution,⁸

NOTING the Decision on Presentation of Documents by the Prosecution in Cross-Examination of Defence Witnesses of 27 November 2008, rendered publicly by the Chamber on 27 November 2008 (“Decision of 27 November 2008”),

NOTING the Decision on the Interlocutory Appeal against the Trial Chamber's Decision on Presentation of Documents by the Prosecution in Cross-Examination of Defence Witnesses, rendered publicly by the Appeals Chamber on 26 February 2009 confirming the Decision of 27 November 2008,

CONSIDERING, firstly, that the Chamber notes that Proposed Exhibits 4D 00475 and 4D 01483 have already been admitted by the Chamber⁹ and that the Petković Defence request is therefore moot in this respect,

¹ IC 01116

² IC 01117

³ IC 01118

⁴ IC 01119

⁵ IC 01120

⁶ IC 01121

CONSIDERING that the Chamber notes that Proposed Exhibits 4D 00768 and 4D 00798 have already been admitted by the Chamber¹⁰ and that the Praljak Defence request is therefore moot in this respect,

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 publicly 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 publicly by the Chamber on 24 April 2008 (“Decision of 24 April 2008”),¹¹

CONSIDERING that the Chamber decides to admit into evidence the exhibits marked as “Admitted” in the Annex attached to this decision since they were put to the Witness and bear sufficient indicia of relevance, probative value and reliability,

CONSIDERING that the Chamber decides not to admit into evidence the Proposed Exhibits marked as “Not Admitted” in the Annex attached to this decision since they are not consistent with the instructions of the Decisions of 13 July 2006 and 24 April 2008,

FOR THE FOREGOING REASONS,

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

GRANTS the requests of the Prlić Defence, the Stojić Defence and the Ćorić Defence,

PARTIALLY GRANTS the requests of the Petković Defence, the Praljak Defence and the Prosecution,

⁷ IC 01126

⁸ IC 01128

⁹ Order to Admit Evidence Regarding Witness Ivan Beneta, 7 December 2009 (“Order of 7 December 2009”).

¹⁰ Order on Admission of Evidence Relating to Witness Milan Gorjanc, 14 December 2009 (“Order of 14 December 2009”).

¹¹ Guideline 8 on the Admission of Documentary Evidence through a Witness.

Annex

Exhibit Number	Party Proposing Admission of the Exhibit	Admitted/Not Admitted/Marked for Identification (MFI)
4D 00428	Petković Defence	Admitted
4D 00475	Petković Defence	Moot (Reason: already admitted by the Order of 7 December 2009)
4D 00476	Petković Defence	Admitted
4D 00477	Petković Defence	Admitted
4D 00478	Petković Defence	Admitted
4D 00568	Petković Defence	Admitted
4D 00625	Petković Defence	Admitted
4D 00908	Petković Defence	Admitted
4D 00914	Petković Defence	Admitted
4D 00929	Petković Defence	Admitted
4D 00932	Petković Defence	Admitted
4D 01026	Petković Defence	Admitted
4D 01027	Petković Defence	Admitted
4D 01048	Petković Defence	Admitted
4D 01483	Petković Defence	Moot (Reason: already admitted by the Order of 7 December 2009)
4D 01521	Petković Defence	Admitted
4D 01553	Petković Defence	Admitted
4D 01715	Petković Defence	Admitted
4D 02000	Petković Defence/Prosecution	Admitted
P 00314	Petković Defence	Admitted
P 01809	Petković Defence	Admitted
P 05264	Petković Defence	Not admitted (Reason: the document is not on the Petković Defence 65 <i>ter</i> List and the Petković Defence did not ask for this exhibit to be added to the 65 <i>ter</i> List in accordance with para. 26 of the Decision of 24 April 2008)
1D 01704	Prlić Defence	Admitted
4D 01067	Prlić Defence	Admitted
2D 03059	Stojić Defence	Admitted
2D 03060	Stojić Defence	Admitted
P 04403	Praljak Defence	Admitted
4D 00768	Praljak Defence	Moot (Reason: already admitted by the Order of 14 December 2009)
4D 00793	Praljak Defence	Admitted

4D 00798	Praljak Defence	Moot (Reason: already admitted by the Order of 14 December 2009)
IC 01112	Praljak Defence	Admitted
IC 01113	Praljak Defence	Admitted
IC 01114	Praljak Defence	Admitted
P 01888	Ćorić Defence	Admitted
P 01972	Ćorić Defence	Admitted
P 02548	Ćorić Defence	Admitted
P 02640	Ćorić Defence	Admitted
P 03135	Ćorić Defence	Admitted
5D 02195	Ćorić Defence	Admitted
5D 03019	Ćorić Defence	Admitted
5D 03044	Ćorić Defence	Admitted
5D 03048	Ćorić Defence	Admitted
5D 03052	Ćorić Defence	Admitted
P 00868	Prosecution	Admitted
P 01402	Prosecution	Admitted
P 02640	Prosecution	Admitted
P 02790	Prosecution	Admitted
P 05933	Prosecution	Admitted
P 08637	Prosecution	Not admitted (Reason: the document uploaded onto e-court is not complete)
P 11094	Prosecution	Admitted (This document is admitted solely to the extent that it goes to challenging the credibility of Witness Božo Pavlović)
P 11098	Prosecution	Admitted (This document is admitted solely to the extent that it goes to challenging the credibility of Witness Božo Pavlović)
P 11107	Prosecution	Admitted only pages 1 and 4 of the English version in e-court (This document is admitted solely to the extent that it goes to challenging the credibility of Witness Božo Pavlović)