



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: 22 December 2010  
Original: ENGLISH  
French

**IN TRIAL CHAMBER III**

**Before:** Judge Jean-Claude Antonetti  
Judge Árpád Prandler  
Judge Stefan Trechsel  
Reserve Judge Antoine Kesia-Mbe Mindua

**Registrar:** Mr John Hocking

**Decision of:** 22 December 2010

**THE PROSECUTOR**

v.

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

***PUBLIC***

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**DECISION ON THE PRLIĆ DEFENCE MOTION ON THE REDACTION OF  
CERTAIN EXCERPTS FROM EXHIBIT P 01040 (VIDEO)**

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**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 Zoran Ivanišević 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 Trial Chamber to Order the Prosecution to Redact All Extraneous Video Footage from Exhibit P 01040 Not Presented to Any Witness During the Taking of Evidence or Otherwise Admitted” publicly filed by Counsel for the Accused Jadranko Prlić (“Prlić Defence”) on 6 December 2010 (“Motion”), in which the Prlić Defence asks the Chamber to order the Office of the Prosecutor (“Prosecution”) to load onto the e-court system a new version of exhibit P 01040 (“Video”) which contains only excerpts presented to the witnesses during their appearance,<sup>1</sup>

**NOTING** the “Prosecution Response to Jadranko Prlić’s Motion for the Trial Chamber to Order the Prosecution to Redact All Extraneous Video Footage from Exhibit P 01040 Not Presented to Any Witness During the Taking of Evidence or Otherwise Admitted” filed publicly by the Prosecution on 15 December 2010 (“Response”), in which the Prosecution agrees to load onto the e-court system a new version of the Video, containing only the footage presented in court and tendered into evidence,<sup>2</sup>

**CONSIDERING** that other parties have not filed any response to the Motion,

**CONSIDERING**, in support of the Motion, that the Prlić Defence posits that, while the Video lasts for 95 minutes, only short excerpts from it, lasting a total of approximately three minutes and thirty seconds, were presented to several witnesses during their court appearance and admitted as evidence,<sup>3</sup>

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<sup>1</sup> Motion, p. 1.

<sup>2</sup> Response, p. 2.

<sup>3</sup> Motion, p. 1. The Prlić Defence specifies that these excerpts were presented on 17 May 2007 to Witness Enes Delalić, on 22 May 2007 to Witness Philip Roger Watkins, on 30 June and 1 July 2008 to Witness Slobodan Janković and on 7 and 8 September 2009 to Witness Slobodan Praljak.

**CONSIDERING** that the Prlić Defence consequently asks the Chamber to order the Prosecution to submit a new version of the Video containing only the excerpts viewed by the witnesses during their appearance,<sup>4</sup>

**CONSIDERING**, moreover, that the Prlić Defence recalls that the Chamber already ordered the Prosecution to act in this manner in a similar case,<sup>5</sup>

**CONSIDERING**, in support of its Response, that the Prosecution notes that the same short excerpts from the Video were presented to various witnesses and admitted by the Chamber; that the rest of the said Video was neither used nor requested for admission,<sup>6</sup>

**CONSIDERING** that the Prosecution proposes loading onto the e-court system a new version of the Video containing only the excerpts requested for admission,<sup>7</sup>

**CONSIDERING**, in the first place, that the Chamber notes, having verified it with the Registry of the Tribunal, that it does not have in its possession the entire Video, as mentioned by the Prlić Defence, but only excerpts of this “Video” which correspond to those admitted as exhibit no. P 01040,

**CONSIDERING** that the Chamber admitted these excerpts under number P 01040 through the “Order to Admit Evidence Relative to Witness Enes Delalić” rendered publicly on 4 July 2007 (“Order of 4 July 2007”),<sup>8</sup>

**CONSIDERING** that the Chamber insists on specifying that the excerpts from Exhibit no. P 01040, admitted by the Order of 4 July 2007, are those that were presented to Witness Enes Delalić during his appearance<sup>9</sup> and that they correspond to the request for admission filed at the time by the Prosecution before the Chamber,<sup>10</sup>

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<sup>4</sup> Motion, p. 1.

<sup>5</sup> Motion, p. 1. See in particular the “Order on the Assignment of New Reference Numbers for Video Excerpts of Exhibit P 00977”, rendered publicly by the Chamber on 28 April 2010, pp. 2 and 3.

<sup>6</sup> Response, pp. 1 and 2.

<sup>7</sup> Response, p. 2.

<sup>8</sup> Order of 4 July 2007, p. 4.

<sup>9</sup> Enes Delalić, Transcript in French (“T(F)”), pp. 1891 to 18697.

<sup>10</sup> IC 00572, p. 1. The Prosecution specified in its request for admission that it wished to tender into evidence two excerpts from the Video: the first one between minutes 3.08 and 4.14, and the second one between minutes 5.55 and 6.39.

**CONSIDERING**, moreover, that the Chamber recalls that the same excerpts were presented to Witness Philip Watkins during his appearance,<sup>11</sup> as well as to Witness Slobodan Janković<sup>12</sup> and Slobodan Praljak during his testimony before the Chamber,<sup>13</sup>

**CONSIDERING** that the Chamber consequently holds that there is no ambiguity with regard to Exhibit no. P 01040 and that only excerpts between minutes 3.08 and 4.14 and between minutes 5.55 and 6.39, were admitted by the Order of 4 July 2007,<sup>14</sup>

**CONSIDERING** that the Chamber therefore dismisses the Motion as moot,

**FOR THE FOREGOING REASONS,**

**PURSUANT TO** Rule 54 of the Rules of Procedure and Evidence,

**DECLARES** the Motion moot, **AND**

**INVITES** the Prlić Defence, in co-ordination with the Prosecution and the Registry, to obtain Exhibit no. P 01040, which contains only the excerpts already presented to witnesses during their appearance and admitted by the Chamber.

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

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<sup>11</sup> Philip Roger Watkins, T(F) 18898; See also the “Order to Admit Evidence Regarding Witness Philip Watkins”, rendered publicly by the Chamber on 30 August 2007, p. 4.

<sup>12</sup> Slobodan Janković, T(F) 30115. The Counsel of the Accused Slobodan Praljak stated the following, “I wanted to go back to your initial question. We identified the exhibit, this is P 01040, 01040, for the transcript, that was witness Delalić, showing the scenes that I believe you referred to”; See also Slobodan Janković, T(F) 30145. The Prosecution stated the following, “I’m now going to show you exhibit P 01040. We’ve looked at this during your direct testimony, and this was a video that was admitted into evidence on July 4<sup>th</sup>, 2007.”

<sup>13</sup> Slobodan Praljak, T(F) 44523. Presiding Judge Jean-Claude Antonetti stated the following, “Mr Kovacic, the Trial Chamber admitted a document, P 1040. The Legal Officer told me that this document had been admitted when witness Delalić was heard. When witness Delalić came to testify we played the video and the Trial Chamber admitted Exhibit 1040.”

<sup>14</sup> Order of 4 July 2007, p. 4; IC 00572.

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Jean-Claude Antonetti

Presiding Judge

Done this twenty-second day of December 2010

At The Hague

The Netherlands

**[Seal of the Tribunal]**