



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: 14 October 2008
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 Hans Holthuis

Order of: 14 October 2008

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
BORISLAV PULJIĆ**

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”),

CONSIDERING that Counsel for the Accused Prlić (“Prlić Defence”) requested the admission of 63 exhibits,¹ while Counsel for the Accused Stojić (“Stojić Defence”), Counsel for the Accused Praljak (“Praljak Defence”) and the Office of the Prosecutor (“Prosecution”) requested the admission of 12,² 4³ and 9⁴ exhibits, respectively, related to the testimony of Witness Borislav Puljić (“Proposed Exhibits”) who appeared before the Chamber between 15 and 18 September 2008,

CONSIDERING that the Chamber has examined the objections expressed by the Prosecution to the admission two of the exhibits proposed by the Prlić Defence,⁵ as well as the objections expressed by the Prlić Defence to the admission of one of the exhibits proposed by the Prosecution,⁶

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 by the Chamber on 13 July 2006 (“Decision of 13 July 2006”), as well as 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 Borislav Puljić at the hearing and bear sufficient indicia of relevance, reliability and probative value,

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 are not consistent with the instructions established in the Decisions of 13 July 2006 and of 24 April 2008,

¹ IC 00844.

² IC 00845.

³ IC 00846.

⁴ IC 00847.

⁵ IC 00849.

FOR THE FOREGOING REASONS,

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

PARTIALLY GRANTS the requests of the Prlić Defence, the Stojić Defence, the Praljak Defence and the Prosecution,

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

DENIES in all the other respects the requests for admission of the Prlić Defence, the Stojić Defence, the Praljak Defence and the Prosecution, for the reasons stated in the Annex attached to this Decision, **AND**

DECLARES MOOT the request for admission of the Prosecution with respect to exhibits P08644 and 1D02684, for the reasons stated 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 fourteenth day of October 2008
At The Hague
The Netherlands

[Seal of the Tribunal]

⁶ IC 00854.

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

Annex

Exhibit number	Party proposing the exhibit	Admitted/Not Admitted. Marked for Identification (MFI)
1D00116	Prlić Defence	Admitted
1D00442	Prlić Defence	Admitted
1D00445	Prlić Defence	Admitted
1D00450	Prlić Defence	Admitted
1D00452	Prlić Defence	Admitted
1D00454	Prlić Defence	Admitted
1D00456	Prlić Defence	Admitted
1D00460	Prlić Defence	Admitted
1D00461	Prlić Defence	Admitted
1D00463	Prlić Defence	Admitted
1D00464	Prlić Defence	Admitted
1D00544	Prlić Defence	Admitted
1D00548	Prlić Defence	Admitted
1D00563	Prlić Defence	Admitted
1D00567	Prlić Defence	Admitted
1D00571	Prlić Defence	Admitted
1D00572	Prlić Defence	Admitted
1D00578	Prlić Defence	Admitted
1D00579	Prlić Defence	Admitted
1D00583	Prlić Defence	Admitted
1D00584	Prlić Defence	Admitted
1D00586	Prlić Defence	Admitted
1D00587	Prlić Defence	Admitted
1D00590	Prlić Defence	Admitted
1D00594	Prlić Defence	Admitted
1D00601	Prlić Defence	Admitted
1D00604	Prlić Defence	Admitted
1D00608	Prlić Defence	Admitted
1D00629	Prlić Defence	Admitted
1D00634	Prlić Defence	Admitted
1D00641	Prlić Defence	Admitted
1D00659	Prlić Defence	Admitted
1D00676	Prlić Defence	Admitted
1D00685	Prlić Defence	Admitted

1D00701	Prlić Defence	Admitted
1D00706	Prlić Defence	Admitted
1D00755	Prlić Defence	Admitted
1D00889	Prlić Defence	Admitted
1D00891	Prlić Defence	Admitted
1D00909	Prlić Defence	Admitted
1D01060	Prlić Defence	Admitted
1D01217	Prlić Defence	Admitted
1D01572	Prlić Defence and Stojić Defence	Admitted
1D01619	Prosecution	Admitted
1D01635	Prlić Defence	Admitted
1D01804	Prlić Defence	Admitted
1D01826	Prlić Defence	Admitted
1D01903	Prlić Defence	Admitted
1D01904	Prlić Defence	Admitted
1D01905	Prlić Defence	Admitted
1D01987 : - Request for admission of entire document for the Prlić Defence - For the Praljak Defence, request to admit ET ⁸ pages: 1D25-0968,1D25-0969, 1D25-0970	Prlić Defence and Praljak Defence	Partially admitted, ET pages: 1D25-0968,1D25-0969, D25-0970 Not admitted in all other respects (Reason: the Prlić Defence has not specified the pages of the document for which it seeks admission, as set out in paragraph 30 of the Decision of 24 April 2008)
1D01999	Prlić Defence	Not Admitted (Reason: the exhibit was not put to the witness)
1D02065 ⁹	Prlić Defence	Admitted
1D02119	Prlić Defence	Admitted
1D02237	Prlić Defence	Admitted
1D02367	Stojić Defence	Not Admitted (Reason: the exhibit was not put to the witness)
1D02391	Prlić Defence	Admitted
1D02644	Prlić Defence	Admitted
1D02647	Prlić Defence	Not Admitted (Reason: the Prlić Defence has not specified

⁸ The page numbers listed in the Annex correspond to the page numbers in the English version of the document in question in the e-court system.

⁹ Errors in the French transcript, p. 32243, with regard to Exhibit 1D02065 which was mistakenly listed as 1D0265 .

		the pages of this document for which it seeks admission, as set out in paragraph 30 of the Decision of 24 April 2008)
1D02684	Prosecution	Moot (Reason: already admitted by the Order on the Admission of Evidence Relative to Witness Žarko Primorac of 21 July 2008)
1D02703	Prlić Defence	Admitted
1D02704	Prlić Defence	Admitted
1D02705	Prlić Defence	Admitted
1D02706	Prlić Defence	Admitted
1D02706	Prosecution	Admitted
1D02951 (Exhibit identical to 3D00785-1)	Prlić Defence	Not Admitted (Reason: this exhibit does not appear in the 65 <i>ter</i> list of exhibits of the Prlić Defence that, furthermore, has not specified the pages of the document for which it seeks admission, as set out in Paragraph 30 of the Decision of 24 April 2008)
1D02958	Prlić Defence	Not Admitted (Reasons: this exhibit does not appear on the 65 <i>ter</i> list of exhibits of the Prlić Defence and, furthermore, has not been put to the witness)
2D00007	Stojić Defence	Not Admitted (Reason: the Party has not specified the pages of the document for which it seeks admission, as set out in paragraph 30 of the Decision of 24 April 2008)
2D00522	Stojić Defence	Admitted
2D00523	Stojić Defence	Admitted
2D00524	Stojić Defence	Admitted
2D01417	Stojić Defence	Admitted
2D01418	Stojić Defence	Admitted
2D01419	Stojić Defence	Admitted
2D01420	Stojić Defence	Admitted
2D01421	Stojić Defence	Admitted
2D01422	Stojić Defence	Admitted
3D00785-1 (exhibit identical to 1D02951)	Praljak Defence	Not Admitted (Reason: the Party has not specified the

		pages of the document for which it seeks admission, as set out in paragraph 30 of the Decision of 24 April 2008)
3D01027	Praljak Defence	Admitted
IC00843	Praljak Defence	Admitted
P08644	Prosecution	Moot (Reason: already admitted by the Decision to Admit Documentary Evidence Presented by the Prosecution (Ljubuški Municipality Including the HVO Prison and Vitina-Otok Camp) of 5 October 2007, Confidential)
P09026	Prosecution	Admitted
P10605	Prosecution	Admitted
P10606	Prosecution	Admitted
P10607	Prosecution	Not Admitted (Reason: the Party has not specified the pages of the document for which it seeks admission, as set out in paragraph 30 of the Decision of 24 April 2008)
P10617	Prosecution	Not Admitted (Reason: the exhibit was not put to the witness)