



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: 21 June 2007
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 Hans Holthuis

Order of: 21 June 2007

THE PROSECUTOR

v.

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

**ORDER TO ADMIT EVIDENCE REGARDING WITNESS NELSON DRAPER
PUBLIC**

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 Peter Murphy 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 the Office of the Prosecutor (“Prosecution”) moved for the admission of 17 documents¹ and that Counsel for the Accused Praljak (“Praljak Defence”) and Counsel for the Accused Petković (“Petković Defence”) moved for the admission of, respectively, 2² and 2³ documents relating to the testimony of Witness Nelson Draper, who appeared before the Chamber on 28 and 29 March 2007 (“Proposed Exhibits”),

CONSIDERING that some extracts from document P 06116 were already admitted through Witness Mufida Likić on 26 March 2007⁴ and through Witness Ferida Likić on 2 April 2007,⁵

CONSIDERING that other extracts of the same document will be admitted as indicated in the Annex attached to this decision,

CONSIDERING that the Chamber has examined each of the Proposed Exhibits based on the criteria for admissibility defined in its Decision on Admission of Evidence of 13 July 2006,

CONSIDERING that the Chamber hereby decides to admit into evidence the documents labelled “admitted” in the Annex attached to this decision because they were submitted to Witness Nelson Draper and have satisfactory indicia of relevance, probative value and reliability,

CONSIDERING that the Chamber hereby decides not to admit into evidence the documents labelled “not admitted” in the Annex attached to this decision because they are not in conformity with the instructions of the Decision of 13 July 2006,

FOR THE FOREGOING REASONS,

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

GRANTS the motions of the Prosecution and the Petković Defence,

PARTIALLY GRANTS the motion of the Praljak Defence,

DECIDES to admit into evidence the documents labelled “admitted” in the Annex attached to this decision, **AND**

DISMISSES the motion of the Praljak Defence in all other respects.

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

¹ IC 00517.

² IC 00518.

³ IC 00519.

⁴ *Prosecutor v. Prlić et al.*, case no. IT-04-74-T, Order to admit evidence regarding Witness Mufida Likić, 29 March 2007; by this order, the Chamber admitted the following parts of document P 06116: 0035-7593, 0035-7599, 0035-7616, 0035-7618 and 0035-7624.

⁵ *Prosecutor v. Prlić et al.*, case no. IT-04-74-T, Oral decision of 2 April 2007, the French transcript of the hearing, p. 16640; by this decision, the Chamber admitted the following extracts for document P 06116: 0035-7800, 0035-7812, 0035-7830, 0035-7832, 0035-7949, 0035-8445, 0035-8464, 0035-8465, 0035-8475.

/signed/

Judge Jean-Claude Antonetti
Presiding Judge

Done this twenty-first day of June 2007
At The Hague
The Netherlands

[Seal of the Tribunal]

Annex

Proposed exhibit no.	Party proposing the admission of evidence	Admitted/ Not admitted/ Marked for identification (MFI)
P 06099	Prosecution	Admitted
P 06116 0035-7489 0035-7495 0035-7498 0035-7500 0035-7508 0035-7513 0035-7519 0035-7522 0035-7525 0035-7527 0035-7541 0035-7563 0035-7566 0035-7726 0035-7728 0035-7764 0035-7965 0035-7966 0035-8092 0035-8153 0035-8154 0035-8155 0035-8238	Prosecution	Admitted
P 06318	Prosecution	Admitted
P 06321	Prosecution	Admitted
P 06978 pages: ET 0005-3359-0005-3361	Prosecution	Admitted
P 06978 pages: ET 0005-3364-0005-3367	Prosecution	Admitted
P 06978 pages: ET 0005-3391-0005-3391	Prosecution	Admitted
P 06978 pages: ET 0005-3413-0005-3413	Prosecution	Admitted
P 07838	Prosecution	Admitted
P 08121 pages: R004-8852-R004-8852	Prosecution	Admitted
P 08121 pages: R004-8862-R004-8863	Prosecution	Admitted
P 08121 pages: R004-8864-R004-8866	Prosecution	Admitted
P 08121 pages: R004-8876-R004-8876	Prosecution	Admitted
P 08121 pages: R004-8850-R004-8850	Prosecution	Admitted
P 08654	Prosecution	Admitted

P 08655	Prosecution	Admitted
P 08657	Prosecution	Admitted
P 08664	Prosecution	Admitted
P 08685	Prosecution	Admitted
P 08686	Prosecution	Admitted
P 08687	Prosecution	Admitted
P 08688	Prosecution	Admitted
P 08691	Prosecution	Admitted
P 08692	Prosecution	Admitted
P 06091	Praljak Defence	Admitted
P 06104	Praljak Defence	Not admitted (reason: witness unable to clarify to the Chamber its relevance, probative value and reliability)
4D 00506	Petković Defence	Admitted
4 D 00534	Petković Defence	Admitted