



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: 27 September 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:** 27 September 2007

**THE PROSECUTOR**

v.

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

***PUBLIC***

**ORDER TO ADMIT EVIDENCE REGARDING WITNESS HAKAN BIRGER**

**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 the Office of the Prosecutor (“Prosecution”) requested the admission of 12 documents,<sup>1</sup> while Counsel for the Accused Praljak (“Praljak Defence”) and Counsel for the Accused Petković (“Petković Defence”) requested the admission of 3<sup>2</sup> and 17<sup>3</sup> documents, respectively, related to the testimony of Witness Hakan Birger (“Proposed Exhibits”) which took place on 26 and 27 March 2007,

**CONSIDERING** that none of the Parties filed any objections to the admission of the Proposed Exhibits,

**CONSIDERING** that the Chamber has examined each of the Proposed Exhibits on the basis of the admissibility criteria set out in its Decision of 13 July 2006<sup>4</sup> on the Admission of Evidence,

**CONSIDERING** that the Chamber decides to admit into evidence the documents indicated “Admitted” in the Annex attached to this decision since they were put to Witness Hakan Birger and bear 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 because they are not consistent with the Decision of 13 July 2006,

**FOR THE FOREGOING REASONS,**

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

**DECIDES TO PARTIALLY GRANT** the requests of the Prosecution, the Praljak Defence and the Petković Defence,

**ADMITS** into evidence the documents indicated “Admitted” in the Annex attached to this decision, **AND**

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<sup>1</sup> IC 00514.

<sup>2</sup> IC 00515.

<sup>3</sup> IC 00516.

<sup>4</sup> Decision on the Admission of Evidence, 13 July 2006 (“Decision of 13 July 2006”).

**DENIES** in all other respects the requests of the Prosecution, the Praljak Defence and, by a majority, the request of the Petković Defence.

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

*/signed/*

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Judge Jean-Claude Antonetti  
Presiding Judge

Done this twenty-seventh day of September 2007

At The Hague

The Netherlands

**[Seal of the Tribunal]**

Annexe

Number of Exhibit	Party proposing the admission of evidence	Admitted/Not Admitted/Marked for identification (MFI)
P 02980 (e-court pages 14 to 24)	Prosecution	Admitted
P 06049	Prosecution	Admitted
P 06063	Prosecution	Admitted
P 06092	Prosecution	Already admitted 2 on April 2007
P 06098	Prosecution	Not Admitted (reason: the document was not presented at the hearing)
P 06103	Prosecution	Admitted
P 06117	Prosecution	Admitted under seal
P 06151	Prosecution	Admitted
P 06161	Prosecution	Admitted
P 06180	Prosecution	Admitted
P 06201	Prosecution	Already admitted on 26 April 2007
P 06218	Prosecution	Admitted
3D 00841	Praljak Defence	Admitted
3D 00854	Praljak Defence	Not admitted (reason: the witness did not provide the Chamber with information on the document's relevance, reliability and probative value)
IC 00510	Praljak Defence	Admitted
P 06026	Petković Defence	Admitted
P 06039	Petković Defence	Already admitted on 29 March 2007
P 06144	Petković Defence	Admitted
P 09813	Petković Defence	Not admitted (reason: the witness did not provide the Chamber with information on the document's relevance, reliability and probative value)
4D 00518	Petković Defence	Admitted
4D 00520	Petković Defence	Not admitted reason: the witness did not provide the Chamber with information on the document's relevance, reliability and probative value)
4D 00522	Petković Defence	Admitted
4D 00523	Petković Defence	Admitted
4D 00524	Petković Defence	Admitted
4D 00525	Petković Defence	Admitted
4D 00526	Petković Defence	Admitted
4D 00527	Petković Defence	Admitted

4D 00528	Petković Defence	Admitted
4D 00530	Petković Defence	Admitted
4D 00531	Petković Defence	Admitted
4D 00532	Petković Defence	Admitted
4D 00533	Petković Defence	Admitted