



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: 4 December 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: 4 December 2007

THE PROSECUTOR

v.

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

PUBLIC

ORDER ADMITTING EVIDENCE RELATIVE TO WITNESS DW

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 17 exhibits¹ while Counsel for the Accused Praljak ("Praljak Defence") and Counsel for the Accused Petković ("Petković Defence") requested the admission of 11² and 6³ exhibits, respectively, related to the testimony of Witness DW ("Proposed Exhibits") who appeared on 3 and 4 October 2007;

CONSIDERING that the Chamber has examined the objections of the Prosecution to the admission of the Proposed Exhibits;⁴

CONSIDERING that the Chamber notes that the Defence teams did not file any objections,

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 on the Admission of Evidence ("Decision of 13 July 2006");

CONSIDERING that the Chamber notes that exhibit P 07771 has already been admitted and that there is, therefore, no reason to rule again on its admission;

CONSIDERING that the Chamber decides to admit into evidence the documents indicated "Admitted" in the Annex attached to this Decision, since they were shown to Witness DW and present 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, since they do not conform to the instructions in the Decision of 13 July 2006;

FOR THE FOREGOING REASONS,

PURSUANT TO Rules 54 and 89 of the Rules;

¹ IC 00685.

² IC 00686.

³ IC 00687.

⁴ IC 00689.

PARTIALLY GRANTS, by majority, the requests for admission by the Prosecution, by the Praljak Defence and by the Petković Defence;

DECIDES, by majority, that there is reason to admit into evidence the documents indicated "Admitted" in the Annex attached to this Decision , **AND**

DENIES, by majority, in all other respects the requests by the Prosecution, by the Praljak Defence and by the Petković Defence on the grounds set out in the Annex attached to this Decision,

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

/signed/

Judge Jean-Claude Antonetti
Presiding Judge

Done this fourth day of December 2007
At The Hague
The Netherlands

[Seal of the Tribunal]

Annex

Exhibit Number	Party Proposing Admission of the Exhibit	Admitted/Not Admitted/Marked for Identification (MFI)
P 05883	Prosecution	Admitted under seal
P 05899	Prosecution	Admitted under seal
P 05950	Prosecution	Admitted under seal
P 06334	Prosecution	Admitted under seal
P 06568	Prosecution	Admitted under seal
P 06688	Prosecution	Admitted under seal
P 07039	Prosecution	Admitted under seal
P 07283	Prosecution	Admitted under seal
P 07293	Prosecution	Admitted under seal
P 07408	Prosecution	Admitted under seal
P 07622	Prosecution	Admitted under seal
P 07706	Prosecution	Admitted under seal
P 07763 (Pages 53, 54 and 55 of the Spanish original)	Prosecution	Admitted under seal
P 07771	Prosecution	Already admitted on 14/06/07
P 08099	Prosecution	Admitted under seal
P 10287	Prosecution	Admitted under seal
3D 01089	Prosecution	Admitted
3D 01088	Praljak Defence	Not Admitted (ground: this is a condolence letter addressed to General Praljak on the death of his father, which is not relevant to the case)
P06518	Praljak Defence	Admitted
IC 00680	Praljak Defence	Not Admitted (ground: illegible map)
3D 01090	Praljak Defence	Not Admitted (ground: it is not possible to understand the significance of the map because the caption of the map has not been translated)
P 05210	Praljak Defence	Admitted under seal
P 06568	Praljak Defence	Admitted under seal
P 06405	Praljak Defence	Admitted under seal
3D 01089	Praljak Defence	Admitted
4D 00711	Praljak Defence	Not Admitted (ground: during the hearing the witness did not explain to the Chamber its authenticity, pertinence or probative value)
IC 00681	Défense Praljak	Not Admitted (ground: during the hearing the witness did not explain to the Chamber its

		authenticity, pertinence or probative value)
P 06214	Défense Praljak	Admitted under seal
P 04435	Petković Defence	Admitted under seal
4D 00545	Petković Defence	Not Admitted (ground: during the hearing the witness did not explain to the Chamber its authenticity, pertinence or probative value)
4D 00709	Petković Defence	Not Admitted (ground: during the hearing the witness did not explain to the Chamber its authenticity, pertinence or probative value)
4D 00711	Petković Defence	Not Admitted (ground: during the hearing the witness did not explain to the Chamber its authenticity, pertinence or probative value)
4D 00713	Petković Defence	Not Admitted (ground: during the hearing the witness did not explain to the Chamber its authenticity, pertinence or probative value)
4D 00722	Petković Defence	Not Admitted (ground: during the hearing the witness did not explain to the Chamber its authenticity, pertinence or probative value)