



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: 23 January 2008
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: 23 January 2008

THE PROSECUTOR

v.

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

Public

**ORDER TO ADMIT EVIDENCE REGARDING WITNESS HUSNIJA
MAHMUTOVIĆ**

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 Čorić
Mr Fahrudin Ibrišimović and Mr Roger Sahota for Berislav Pušić

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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 five exhibits¹, whereas the Counsel for the Accused Praljak ("Praljak Defence") and the Counsel for the Accused Petković ("Petković Defence") each requested the admission of two² exhibits regarding the testimony of Husnija Mahmutović ("Proposed Exhibits")³ who appeared in court on 12 December 2007;

CONSIDERING that the Chamber has examined the Prosecution objections to the admission of the Proposed Exhibits⁴;

CONSIDERING that the Prosecution alleges in particular that Exhibit 4D 00869 is the statement given by a person before the Prosecution investigator; that the Prosecution did not present the person to the Chamber as witness and that, if the Defence wishes to introduce the statement, it must summon its author before the court;

CONSIDERING that the Chamber notes that that Exhibit 4D 00869 is the statement of a potential witness under the terms of Rules 92 *bis* to *quater* of the Rules, and consequently decides to reject the request for admission⁵;

CONSIDERING that the Chamber notes that Exhibit 4D 00408 has already been admitted by the Chamber and that the request for admission is thus moot;

CONSIDERING that the Chamber has examined each one of the Proposed Exhibits on the basis of the admissibility criteria defined in its Decision on Admission of Evidence of 13 July 2006 ("Decision of 13 July 2006");

CONSIDERING that the Chamber decides to admit into evidence the Proposed Exhibits marked as "admitted" in the Annex attached to this Decision because they were presented to Witness Husnija Mahmutović and they present sufficient indicia of relevance, probative value and reliability;

CONSIDERING that the Chamber decides not to admit into evidence the Proposed Exhibits marked as "not admitted" in the Annex attached to this Decision, because they do not comply with the instructions in the Decision of 13 July 2006;

FOR THE FOREGOING REASONS,

PURSUANT TO Articles 54 and 89 of the Rules;

¹ IC /in court/ 00760.

² IC 00761 and IC 00762.

³ Hearing transcript in French, p. 25744.

⁴ IC 00764.

⁵ *The Prosecutor v. Milan Milutinović et al.*, Case No. IT-05-87-T, Decision on Evidence Tendered Through Sandra Mitchel and Frederick Abrahams, 1 September 2006, paras. 11 to 13; *The Prosecutor v. Stanislav Galić*, Case No. IT-98-29-AR73.2, Decision on Interlocutory Appeal Concerning Rule 92 *bis* (C) of the Rules, 7 June 2002, para. 31.

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DISMISSES as moot the request to admit Exhibit 4D 00408 which was already admitted by the Chamber;

GRANTS the Prosecution request for admission;

GRANTS the Praljak Defence request for admission;

REJECTS the Petković Defence request for the reasons set out in this Decision;

DECIDES that there is reason to admit into evidence the Proposed Exhibits marked as "admitted" in the Annex attached to this Decision; **AND**

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this twenty third day of January 2008
At The Hague
The Netherlands

[Seal of the Tribunal]

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Annex

Exhibit No.	Party requesting the admission of exhibit	Admitted/Not admitted/Marked for identification (MFI)
P 08377	Prosecution	Admitted
P 08461	Prosecution	Admitted
P 08462	Prosecution	Admitted
P 08463	Prosecution	Admitted
P 10015	Prosecution	Admitted
4D 00408	Petković Defence	Already admitted on 17 January 2008.
4D 00869	Petković Defence	Not Admitted
IC 00754	Praljak Defence	Admitted
IC 00755	Praljak Defence	Admitted