



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: 10 March 2009  
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

**Acting Registrar:** Mr John Hocking

**Order of:** 10 March 2009

**THE PROSECUTOR**

v.

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

***PUBLIC***

**ORDER ADMITTING EVIDENCE RELATED TO WITNESS STIPO BULJAN**

**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 Stojić ("Stojić Defence"), Counsel for the Accused Praljak ("Praljak Defence"), Counsel for the Accused Petković ("Petković Defence"), and the Office of the Prosecutor ("Prosecution") requested the admission of 33 exhibits,<sup>1</sup> 1 exhibit,<sup>2</sup> 2 exhibits<sup>3</sup> and 1<sup>4</sup> exhibit, respectively, related to the testimony of Witness Stipo Buljan ("Proposed Exhibit(s)") who appeared before the Chamber from 11 to 12 February 2009,

**CONSIDERING** that Chamber has examined the objections formulated by the Stojić Defence to the admission of Proposed Exhibits from the Prosecution,<sup>5</sup>

**CONSIDERING** that the Chamber has also examined the objections formulated by the Prosecution to a number of Proposed Exhibits from the Stojić Defence<sup>6</sup> and to the Response by the Stojić Defence,<sup>7</sup>

**CONSIDERING** that the Chamber has examined each of the Proposed Exhibits on the basis of the admissibility criteria defined in the Decision on Admission of Evidence, rendered by the Chamber on 13 July 2006 ("Decision of 13 July 2006"), and in the Decision Adopting Guidelines for the Presentation of Defence Evidence, rendered by the Chamber on 24 April 2008 ("Decision of 24 April 2008"),<sup>8</sup>

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<sup>1</sup> IC 00921.

<sup>2</sup> IC 00922.

<sup>3</sup> IC 00923.

<sup>4</sup> IC 00924.

<sup>5</sup> IC 00925.

<sup>6</sup> "Prosecution Response to the Bruno Stojić Request for Admission of Exhibit Tendered through Witness Stipo Buljan", 17 February 2009.

<sup>7</sup> "Bruno Stojić's Response to Prosecution's Objection to the Request for Admission of Exhibits Tendered through Witness Stipo Buljan", 19 February 2009 ("Response by the Stojić Defence").

<sup>8</sup> Guideline 8 regarding the Admission of Documentary Evidence through a Witness.

**CONSIDERING** that the Chamber notes that Proposed Exhibits 2D 00567, 2D 01370, P 02945 and P 07419 have already been admitted by the Chamber<sup>9</sup> and that the request is therefore moot in their regard,

**CONSIDERING** that the Chamber finds that the Proposed Exhibits from the Stojić Defence bearing numbers 2D 00604 to 2D 00624 are in fact documents relating to the HVO soldiers wounded or killed in the municipalities of Posavina as well as in the municipalities of Bihać and Tuzla,<sup>10</sup>

**CONSIDERING** that the Chamber notes that the Proposed Exhibits were produced by an administration of the Posavina canton<sup>11</sup> in March 2008 at the request of Stipo Buljan and for the purpose of his testimony, that they do not give the dates when the persons were killed or wounded, and that the Stojić Defence had not established at any point the link between these Proposed Exhibits and the Amended Indictment of 11 June 2008,

**CONSIDERING** that, for these reasons, the Chamber considers that the Proposed Exhibits do not present sufficient indicia of reliability, probative value and relevance, and decides not to admit the Proposed Exhibits bearing numbers 2D 00604 to 2D 00624,

**CONSIDERING** that the Chamber decides to admit into evidence the Proposed Exhibits indicated "Admitted" in the Annex attached to this Decision as they were put to Witness Stipo Buljan 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 as they do not conform to the instructions laid out in the Decisions of 13 July 2006 and 24 April 2008 for the reasons given in the Annex attached to this Decision,

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<sup>9</sup> Order Admitting Evidence Related to Witness Davor Marijan, 25 February 2009 and Order to Admit Evidence Related to Witness Slobodan Božić, 6 March 2009.

<sup>10</sup> Hearing of 11 February 2009, French transcript, pp. 36759 and 36760.

<sup>11</sup> "Administration for Issues of HVO Soldiers and Victims from Croatian War of Independence", Posavina canton, Federation of Bosnia and Herzegovina.

**FOR THE FOREGOING REASONS,**

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

**GRANTS** the request for admission of the Praljak Defence,

**PARTIALLY GRANTS** the requests for admission of the Stojić Defence and the Petković Defence,

**DECIDES** that there is cause to admit into evidence the Proposed Exhibits indicated “Admitted” in the Annex attached to this Decision,

**DECLARES MOOT** the requests for admission of the Proposed Exhibits 2D 00567, 2D 01370, P 02945 and P 07419,

**AND**

**DENIES** in all other respects the requests for admission of Proposed Exhibits of the Stojić Defence, the Petković Defence and the Prosecution 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 tenth day of March 2009

At The Hague

The Netherlands

**[Seal of the Tribunal]**

**Annex**

<b>Exhibit Number (Preferably in Numerical Order)</b>	<b>Party Proposing Admission of Exhibits</b>	<b>Admitted/Not Admitted/ Marked for Identification (MFI)</b>
2D 00567	Stojić Defence and Petković Defence	Moot (Reason: already admitted by Order Admitting Evidence related to Witness Slobodan Božić of 6 March 2009)
2D 00604	Stojić Defence	Not Admitted (the document does not present sufficient reliability, probative value and relevance)
2D 00605	Stojić Defence	Not Admitted (the document does not present sufficient reliability, probative value and relevance)
2D 00606	Stojić Defence	Not Admitted (the document does not present sufficient reliability, probative value and relevance)
2D 00607	Stojić Defence	Not Admitted (the document does not present sufficient reliability, probative value and relevance)
2D 00608	Stojić Defence	Not Admitted (the document does not present sufficient reliability, probative value and relevance)
2D 00609	Stojić Defence	Not Admitted (the document does not present sufficient reliability, probative value and relevance)
2D 00610	Stojić Defence	Not Admitted (the document does not present sufficient reliability, probative value and relevance)
2D 00611	Stojić Defence	Not Admitted (the document does not present sufficient reliability, probative value and relevance)
2D 00612	Stojić Defence	Not Admitted (the document does not present sufficient reliability, probative value and relevance)
2D 00613	Stojić Defence	Not Admitted (the document does not present sufficient reliability, probative value and relevance)

2D 00614	Stojić Defence	Not Admitted (the document does not present sufficient reliability, probative value and relevance)
2D 00615	Stojić Defence	Not Admitted (the document does not present sufficient reliability, probative value and relevance)
2D 00616	Stojić Defence	Not Admitted (the document does not present sufficient reliability, probative value and relevance)
2D 00617	Stojić Defence	Not Admitted (the document does not present sufficient reliability, probative value and relevance)
2D 00618	Stojić Defence	Not Admitted (the document does not present sufficient reliability, probative value and relevance)
2D 00619	Stojić Defence	Not Admitted (the document does not present sufficient reliability, probative value and relevance)
2D 00620	Stojić Defence	Not Admitted (the document does not present sufficient reliability, probative value and relevance)
2D 00621	Stojić Defence	Not Admitted (the document does not present sufficient reliability, probative value and relevance)
2D 00622	Stojić Defence	Not Admitted (the document does not present sufficient reliability, probative value and relevance)
2D 00624	Stojić Defence	Not Admitted (the document does not present sufficient reliability, probative value and relevance)
2D 00625	Stojić Defence	Admitted
2D 00626	Stojić Defence	Admitted
2D 00627	Stojić Defence	Admitted
2D 00628	Stojić Defence	Admitted
2D 00629	Stojić Defence	Admitted
2D 00749	Stojić Defence	Admitted
2D 01245	Stojić Defence	Admitted
2D 01246	Stojić Defence	Admitted

2D 01247	Stojić Defence	Admitted
2D 01370	Stojić Defence	Moot (Reason: already admitted by Order Admitting Evidence related to Witness Davor Marijan of 25 February 2009)
P 02945	Stojić Defence	Moot (Reason: already admitted by Order Admitting Evidence related to Witness Davor Marijan of 25 February 2009)
P 03355	Petković Defence	Partially Admitted (Page 11 of the BCS version and page 20 of the English version)
P 07419	Stojić Defence	Moot (Reason: pages 1 to 7 of the translation under number L002-9414 were already admitted by the Order Admitting Evidence related to Witness Slobodan Božić of 6 March 2009)
P 10810	Prosecution	Not Admitted (Reason: the pages for which admission is sought have not been indicated)
IC 00917	Praljak Defence	Admitted