



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: 29 October 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

Registrar: Mr John Hocking

Order of: 29 October 2009

THE PROSECUTOR

v.

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

PUBLIC

ORDER TO ADMIT EVIDENCE REGARDING WITNESS ZRINKO TOKIĆ

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

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”),

NOTING the request to admit 12 exhibits submitted by Counsel for the Accused Praljak (“Praljak Defence”),¹ the request to admit 11 exhibits submitted by Counsel for the Accused Petković (“Petković Defence”),² the request to admit six exhibits submitted by Counsel for the Accused Stojić (“Stojić Defence”)³ and the request to admit five exhibits submitted by the Office of the Prosecutor (“Prosecution”)⁴ (“Proposed Exhibit(s)”), all relating to the testimony of witness Zrinko Tokić (“Witness”) who appeared before the Chamber from 29 September to 1 October 2009,

NOTING the objections formulated by the Praljak Defence to a Proposed Exhibit submitted by the Prosecution (“Praljak Defence Objection”)⁵ and the objections formulated by the Prosecution to a Proposed Exhibit presented by the Praljak Defence,⁶

CONSIDERING, in particular, that in the Praljak Defence Objection, the Praljak Defence opposes the admission of Proposed Exhibit P 02486 on the ground that a translation mistake in the English version could mislead the Chamber,⁷

CONSIDERING that, as a preliminary matter, the Chamber reminds the parties that when they request the admission of one or several extract(s) of a document, they must specify the page number(s) and/or paragraph(s) of the extract(s) of the document which correspond(s) to the **pagination or numbering of the English version in ecourt**, which does not necessarily correspond to the English version of the document itself,⁸

¹ IC 01066.

² IC 01067.

³ IC 01068.

⁴ IC 01069.

⁵ IC 01071.

⁶ IC 01072.

⁷ IC 01071.

⁸ For example, for document 3D 03712, the Prosecution requests the admission of pages 7, 12, 18, 25, 27 and 34 of the English version of the document itself, whereas the pagination of the English version in *ecourt* is different. It follows that the request for admission should have actually read pages 8, 13, 26, 28 and 35 of document 3D 03712.

CONSIDERING that the Chamber has examined each of the Proposed Exhibits on the basis of the admissibility criteria set out 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”),⁹

CONSIDERING that the Chamber decides to admit into evidence the Proposed Exhibits indicated as “Admitted” in the Annex attached to this Decision since they were put to the witness Zrinko Tokić and bear sufficient indicia of relevance, probative value and reliability,

CONSIDERING that the Chamber decides not to admit into evidence the Proposed Exhibits indicated as “Not Admitted” in the Annex attached to this Decision since they are not consistent with the instructions established in the Decisions of 13 July 2006 and 24 April 2008,

CONSIDERING that, with regard to Proposed Exhibit P 02486, the Chamber specifies that the translation mistake in the English version referred to by the Praljak Defence was identified during the hearing of 1 October 2009¹⁰ and that the Chamber took that fact into account during its examination for admission of this Proposed Exhibit,

FOR THE FOREGOING REASONS,

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

PARTIALLY GRANTS the request for admission of the Praljak Defence,

GRANTS the requests for admission of the Stojić and Petković Defences and the Prosecution,

DECIDES that it is appropriate to admit into evidence the documents indicated as “Admitted” in the Annex attached to this Decision,

⁹ Guideline 8: The Admission of Documentary Evidence through a Witness.

¹⁰ Transcript in French of the hearing of 1 October 2009, p. 45537.

DENIES in all the other respects the request for admission of the Praljak Defence for the reasons stated in the Annex,

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

/signed/

Jean-Claude Antonetti

Presiding Judge

Done this twenty-ninth day of October 2009

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 00366	Stojić Defence	Admitted.
P 01300	Petković Defence	Admitted.
P 01653	Prosecution	Admitted.
P 02259	Praljak Defence	Admitted.
P 02415	Praljak Defence	Not admitted (Reason: the document was not included on the Praljak Defence 65 <i>ter</i> list and the Praljak Defence did not request the addition of this exhibit to its 65 <i>ter</i> list in accordance with para. 26 of the Decision of 24 April 2008).
P 02486	Prosecution	Admitted.
P 03475	Prosecution	Admitted.
2D 03051	Stojić Defence	Admitted.
2D 03052	Stojić Defence	Admitted.
2D 03055	Stojić Defence	Admitted.
3D 00508	Prosecution	Admitted.
3D 00513	Praljak Defence	Admitted.
3D 00525	Praljak Defence	Admitted.
3D 03067	Praljak Defence	Not admitted (Reason: the document was not included on the Praljak Defence 65 <i>ter</i> list and the Praljak Defence did not request the addition of this exhibit to its 65 <i>ter</i> list in accordance with para. 26 of the Decision of 24 April 2008).
3D 03712 (Praljak Defence: the whole document / Stojić Defence: p. 27 / Prosecution: pp. 7, 12, 18, 25, 27 and 34 of the English version of the document itself)	Praljak Defence / Stojić Defence / Prosecution	Admitted in part: pp. 1-3, 8-9, 12-13, 17-20, 25-28 and 34-36 of the English version. Denied in all other respects on the ground that the non-admitted extracts were not put to the witness during the hearings.
3D 03763	Praljak Defence	Not admitted (Reason: the document was not included on the Praljak Defence 65 <i>ter</i> list and the Praljak Defence did not request the addition of this exhibit to its 65 <i>ter</i> list in accordance with para. 26 of the Decision of 24 April 2008).
3D 03764	Praljak Defence	Not admitted (Reason: the document was not included on the Praljak Defence 65 <i>ter</i> list and the

		Praljak Defence did not request the addition of this exhibit to its 65 <i>ter</i> list in accordance with para. 26 of the Decision of 24 April 2008).
4D 00351	Praljak Defence	Not admitted (Reason: the document was not included on the Praljak Defence 65 <i>ter</i> list and the Praljak Defence did not request the addition of this exhibit to its 65 <i>ter</i> list in accordance with para. 26 of the Decision of 24 April 2008).
4D 00343	Petković Defence	Admitted.
4D 00346	Petković Defence	Admitted.
4D 00399	Petković Defence	Admitted.
4D 00416	Petković Defence	Admitted.
4D 01403	Petković Defence	Admitted.
4D 01667	Petković Defence	Admitted.
5D 01124	Praljak Defence	Not admitted (Reason: the document was not included on the Praljak Defence 65 <i>ter</i> list and the Praljak Defence did not request the addition of this exhibit to its 65 <i>ter</i> list in accordance with para. 26 of the Decision of 24 April 2008).
5D 01126	Praljak Defence	Not admitted (Reason: the document was not included on the Praljak Defence 65 <i>ter</i> list and the Praljak Defence did not request the addition of this exhibit to its 65 <i>ter</i> list in accordance with para. 26 of the Decision of 24 April 2008).
5D 05096	Stojić Defence	Admitted.
IC 01056	Petković Defence	Admitted.
IC 01057	Petković Defence	Admitted.
IC 01058	Petković Defence	Admitted.
IC 01059	Petković Defence	Admitted.
IC 01060	Praljak Defence	Admitted.