



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: 21 December 2010
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

Decision of: 21 December 2010

THE PROSECUTOR

v.

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

PUBLIC

**SECOND ORDER ON ADMISSION OF EVIDENCE INTRODUCED BY WAY
OF WITNESS ZORAN PERKOVIĆ**

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 Zoran Ivanišević 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”),

SEIZED OF “Jadranko Prlić’s Motion for a Decision Concerning Proposed Documentary Evidence Tendered in Relation to Witness Zoran Perković”, filed publicly by Counsel for the Accused Prlić (“Prlić Defence”) on 15 December 2010 (“Motion”), whereby the Prlić Defence requests that the Chamber rule on the admissibility of 18 exhibits introduced during the testimony of Zoran Perković,¹

NOTING the “Order on Admission of Evidence Relating to Witness Zoran Perković”, issued publicly by the Chamber on 9 October 2008 (“Order of 9 October 2008”), whereby the Chamber specifically admitted several of the proposed exhibits tendered for admission by the Prlić Defence,²

CONSIDERING that, in support of the Motion, the Prlić Defence alleges that the Chamber neglected to decide upon the 24 exhibits tendered for admission through its IC List 00838 by way of Witness Zoran Perković;³ it notes that, of these 24 exhibits, 8 were admitted into evidence through various decisions the Chamber rendered,⁴ and presently requests that the Chamber rule upon the admissibility of 18 exhibits,⁵

CONSIDERING that the Chamber notes, as the Prlić Defence rightly mentions, that in the Order of 9 October 2008, it neglected to decide upon the 24 exhibits tendered for admission in connection with the testimony of Zoran Perković appearing on the 2 final pages of the IC List 00838,⁶

¹ Motion, para. 7, discussing the following Proposed Exhibits: 1D 01879, 1D 01881, 1D 01912, 1D 01949, 1D 01955, 1D 02011, 1D 02012, 1D 02038, 1D 02052, 1D 02058, 1D 02112, 1D 02126, 1D 02212, 1D 02305, 1D 02722, 1D 02723, 1D 02724 and 1D 02749.

² See IC List 00838, listing the proposed exhibits tendered for admission by the Prlić Defence via the testimony of Zoran Perković.

³ Motion, para. 1, citing Exhibits 1D 01879, 1D 01880, 1D 01881, 1D 01892, 1D 01912, 1D 01949, 1D 01955, 1D 02011, 1D 02012, 1D 02038, 1D 02052, 1D 02058, 1D 02112, 1D 02113, 1D 02126, 1D 02212, 1D 02305, 1D 02518, 1D 02722, 1D 02723, 1D 02724, 1D 02749, 1D 02811 and 1D 02953.

⁴ Motion, paras 3-4, citing Exhibits 1D 02212, 1D 02305, 1D 02722, 1D 02723, 1D 02724, 1D 01892, 1D 02011 and 1D 01880.

⁵ Motion, para. 7.

⁶ These are exhibits 1D 01879, 1D 01880, 1D 01881, 1D 01892, 1D 01912, 1D 01949, 1D 01955, 1D 02011, 1D 02012, 1D 02038, 1D 02052, 1D 02058, 1D 02112, 1D 02113, 1D 02126, 1D 02212, 1D 02305, 1D 02518, 1D 02722, 1D 02723, 1D 02724, 1D 02749, 1D 02811 and 1D 02953 in the IC List 00838.

CONSIDERING, as an initial matter, that the Chamber notes that, of these 24 exhibits, 8 of them⁷ were admitted through various decisions by the Chamber and that the request for their admission is now moot, as stated in the Annex attached to this Order,

CONSIDERING that we ought now therefore to analyze the admissibility of 16 remaining Proposed Exhibits which were tendered for admission by the Prlić Defence through its IC List 00838 which have not yet appeared in a decision by the Chamber,⁸

CONSIDERING that the Chamber has examined each of the 16 exhibits tendered on the basis of the criteria for admissibility described in its Decision on Admission of Evidence of 13 July 2006 (“Decision of 13 July 2006”), as well as in the Decision Adopting Guidelines for the Presentation of Defence Evidence of 24 April 2008 (“Decision of 24 April 2008”),⁹

CONSIDERING that the Chamber has heard the objections raised by the Prosecution to the admission of certain of the Proposed Exhibits,¹⁰

CONSIDERING that the Chamber decides to admit into evidence the Proposed Exhibits marked “Admitted” in the Annex to this Order, as they were put during the hearing to Witness Zoran Perković when he appeared on 1 to 4 September 2008, and display sufficient indicia of relevance, reliability and probative value,

CONSIDERING that the Chamber decides to not admit into evidence Proposed Exhibit 1D 01880, marked “Not Admitted” in the Annex to this Order, for the reason set forth in said Annex,

⁷ 1D 01892, 1D 02011, 1D 02038, 1D 02212, 1D 02305, 1D 02722, 1D 02723 and 1D 02724.

⁸ 1D 01879, 1D 01880, 1D 01881, 1D 01912, 1D 01949, 1D 01955, 1D 02012, 1D 02052, 1D 02058, 1D 02112, 1D 02113, 1D 02126, 1D 02518, 1D 02749, 1D 02811 and 1D 02953 (“Proposed Exhibits”).

⁹ Guideline 8 on the Admission of Documentary Evidence through a Witness.

¹⁰ See IC List 00841.

FOR THE FOREGOING REASONS,

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

DECLARES the Motion to be **MOOT** with respect to Exhibits 1D 01892, 1D 02011, 1D 02038, 1D 02212, 1D 02305, 1D 02722, 1D 02723 and 1D 02724 for the reasons set forth in the Annex to this Order,

GRANTS the Motion **IN PART,**

DECIDES that it is proper to admit into evidence the exhibits marked “Admitted” in the Annex to this Order,

DECIDES that it is proper to admit into evidence only those *e*-Court pages translated into English and matching the BCS original of Exhibit 1D 02811 **AND,**

EXCLUDES Exhibit 01880 for the reasons set forth in the Annex to this Order.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

The twenty-first day of December 2010
At The Hague
The Netherlands

[Seal of the Tribunal]

Annex

Exhibit Number	Party Proposing Admission of the Exhibit	Admitted/Not Admitted/Moot
1D 01879	Prlić Defence	Admitted
1D 01880	Prlić Defence	Not admitted (Reason: exhibit identical to exhibit P 04589 already admitted under the Order to Admit Evidence Regarding Witness Philip Watkins, public, 30 August 2007)
1D 01881	Prlić Defence	Admitted
1D 01892	Prlić Defence	Moot (Reason: already admitted by the Order Admitting Evidence Related to Witness Martin Raguz, public, 6 October 2008)
1D 01912	Prlić Defence	Admitted
1D 01949	Prlić Defence	Admitted
1D 01955	Prlić Defence	Admitted
1D 02011	Prlić Defence	Moot (Reason: already admitted by the Order Admitting Evidence Related to Witness Zoran Buntić, public, 1 September 2008)
1D 02012	Prlić Defence	Admitted
1D 02038	Prlić Defence	Moot (Reason: already admitted by the Order Admitting Evidence Regarding Witness Ilija Kožulj, public, 4 February 2009)
1D 02052	Prlić Defence	Admitted
1D 02058	Prlić Defence	Admitted
1D 02112	Prlić Defence	Admitted
1D 02113	Prlić Defence	Admitted
1D 02126	Prlić Defence	Admitted
1D 02212	Prlić Defence	Moot (Reason: already admitted by the Decision on Prlić Defence Motion for Admission of Documentary Evidence, public, 6 March 2009)
1D 02305	Prlić Defence	Moot (Reason: already admitted by the Decision on Prlić Defence Motion for Admission of Documentary Evidence, public, 6 March 2009)
1D 02518	Prlić Defence	Admitted
1D 02722	Prlić Defence	Moot (Reason: already admitted by the Decision on Prlić Defence Motion for Admission of Documentary Evidence, public, 6 March 2009)
1D 02723	Prlić Defence	Moot (Reason: already admitted by the Decision on Prlić Defence

		Motion for Admission of Documentary Evidence, public, 6 March 2009
1D 02724	Prlić Defence	Moot (Reason: already admitted by the Decision on Prlić Defence Motion for Admission of Documentary Evidence, public, 6 March 2009)
1D 02749	Prlić Defence	Admitted
1D 02811	Prlić Defence	Admitted in part (Admitted: pages 1 to 9 in English corresponding to the BCS version in the <i>e</i> -Court system)
1D 02953	Prlić Defence	Admitted