

25-04-74-T 7/28078 ALD
04-1/28078 ALD
15 JANUARY 2007

**UNITED
NATIONS**



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: 11 January 2007
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 Hans Holthuis
Decision of: 11 January 2007

THE PROSECUTOR

v.

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

ORDER TO ADMIT EVIDENCE RELATIVE TO WITNESS CB

The Office of the Prosecutor:

Mr Kenneth Scott
Mr Daryl Mundis

Counsel for the Accused:

Mr Michael Karnavas and Ms Suzana Tomanović for Jadranko Prlić
Ms Senka Nožica and Mr Peter Murphy for Bruno Stojić
Mr Božidar Kovačić and Ms Nika Pinter for Slobodan Praljak
Ms Vesna Alaburić 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”),

CONSIDERING that the Office of the Prosecutor (“Prosecution”) moved for the admission of 20 documents¹ and that the counsels for the Accused Praljak (“Praljak Defence”)² and the counsels for the Accused Petković (“Petković Defence”)³ moved for the admission of, respectively, 18 and 10 documents relating to the testimony of Witness CB (“Proposed Exhibits”) given at the hearings of 14 and 15 November 2006,

CONSIDERING that the Chamber has heard the objections raised by the Parties against the admission of the Proposed Exhibits,

CONSIDERING that the Chamber has examined each of the Proposed Exhibits based on the criteria for admissibility defined in its Decision on Admission of Evidence of 13 July 2006,

CONSIDERING that the Chamber hereby decides to admit into evidence the documents labelled “admitted” in the Annex attached to this decision because they were submitted to Witness CB and have satisfactory indicia of relevance, probative value and reliability,

FOR THE FOREGOING REASONS,

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

GRANTS the motion of the Prosecution,

PARTIALLY GRANTS the motion of the Praljak Defence and the Petković Defence,

DECIDES that there are grounds to admit into evidence the documents labelled “admitted” in the Annex attached to this decision, **AND**

DISMISSES the motions of the Praljak Defence and the Petković Defence in all other respects for the reasons given in the Annex attached to this decision.

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

¹ IC 00113 and IC 00167

² IC 00098

³ IC 00114

/signed/

Judge Jean-Claude Antonetti
Presiding Judge

Done this eleventh day of January 2007
At The Hague
The Netherlands

[Seal of the Tribunal]
Annex

Proposed exhibit no.	Party proposing the admission of evidence	Admitted/Not admitted/Marked for identification (MFI)
P 01914	Petković Defence	Already admitted on 28 September 2006.
P 01959	Petković Defence	Admitted.
P 01964	Petković Defence	Admitted under seal.
P 01988	Petković Defence	Admitted.
P 02008	Prosecution	Admitted under seal.
P 02011	Prosecution	Admitted under seal.
P 02012	Prosecution	Admitted under seal.
P 02054	Prosecution	Admitted under seal.
P 02088	Petković Defence	Already admitted on 13 December 2006.
P 02143	Prosecution	Admitted under seal.
P 02185	Prosecution	Admitted under seal.
P 02203	Petković Defence	Already admitted on 13 December 2006.
P 02241	Praljak Defence	Already admitted on 28 September 2006.
P 02269	Prosecution	Admitted under seal.
P 02286	Prosecution	Admitted under seal.
P 02352	Petković Defence	Admitted.
P 02414	Prosecution	Admitted under seal.
P 02423	Prosecution	Admitted under seal.
P 02433	Praljak Defence	Admitted under seal.
P 02446	Prosecution	Admitted under seal.
P 02844	Prosecution	Admitted under seal.
P 02979	Prosecution	Admitted under seal.
P 03271	Prosecution	Admitted under seal.
P 03705	Prosecution	Admitted under seal.
P 03724	Prosecution	Admitted under seal.
P 03963	Praljak Defence	Admitted under seal.
P 04698A pp. 7, 8, 38, 40, 64, 66, 97.	Prosecution/ Praljak Defence	Admitted under seal.
P 04698A pp. 34, 35 and 36.	Prosecution	Already admitted on 28 September 2006.
P 04813	Prosecution	Admitted under seal.
P 04951	Prosecution	Admitted under seal.
P 04995	Prosecution	Admitted under seal.
2D 00089	Petković Defence	Admitted.

3D 00014	Praljak Defence	Admitted.
3D 00015	Praljak Defence	Not admitted (reason: the document was not presented to the witness).
3D 00026	Praljak Defence	Not admitted (reason: witness unable to clarify to the Chamber its relevance, probative value and authenticity).
3D 00027	Praljak Defence	Not admitted (reason: witness unable to clarify to the Chamber its relevance, probative value and authenticity).
3D 00165	Praljak Defence	Not admitted (reason: witness unable to clarify to the Chamber its relevance, probative value and authenticity).
3D 00369	Praljak Defence	Not admitted (reason: the document was not presented to the witness in court).
3D 00370	Praljak Defence	Admitted.
3D 00557	Praljak Defence	Admitted.
3D 00567	Praljak Defence	Admitted.
3D 00571	Praljak Defence	Admitted.
4D 00448	Petković Defence	Admitted.
4D 00456	Petković Defence	Not admitted (reason: witness unable to clarify to the Chamber its relevance, probative value and authenticity).
IC 00087	Praljak Defence	Admitted.
IC 00088	Praljak Defence	Admitted.
IC 00089	Praljak Defence	Admitted.
IC 00090	Praljak Defence	Admitted.