



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: 5 December 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

Order of: 5 December 2007

THE PROSECUTOR

v.

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

PUBLIC

**DECISION ON PROSECUTION MOTION FOR ADMISSION OF
DOCUMENTARY EVIDENCE**

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”);

SEIZED of the Prosecution Motion for Admission of Documentary Evidence, filed by the Office of the Prosecutor (“Prosecution”) on 28 November 2007 (“Motion”), in which the Prosecution asks the Chamber to admit, pursuant to Rule 89 (C) of the Rules of Procedure and Evidence (“Rules”), 78 documents (“Proposed Exhibits”), to which two annexes are attached,

CONSIDERING that in its Motion, the Prosecution holds that all the Proposed Exhibits are relevant and have probative value; that they are all admissible with regard to well-established Tribunal jurisprudence and practice; that Annexes 1 and 2 presenting, *inter alia*, the Proposed Exhibits are consonant with earlier Prosecution written submissions; and finally that “conducting a further review of its documentary evidence and checking what has been tendered to date”, the Prosecution considers that the Proposed Exhibits should be requested for admission,¹

CONSIDERING that in its decision of 29 November 2006 on the conditions for the admission of evidence by written motion,² the Chamber authorised the Prosecution to seize it of written requests for the admission of evidence not presented to a witness at trial, so long as it concerns a municipality in its entirety or a specific subject,

CONSIDERING that in the present case, the Chamber notes that the Prosecution filed the Motion without its referring to a any municipality or a specific subject,

CONSIDERING consequently that the Chamber must note that the Motion is not consistent with the Chamber’s instructions regarding the admissibility of documentary evidence,

¹ Motion, paras. 1, 2 and 3.

² Decision Amending the Decision on the Admission of Evidence Dated 13 July 2006, 29 November 2006 (“Decision of 29 November 2006”).

FOR THE FOREGOING REASONS,

PURSUANT TO Rules 54 and 89 of the Rules,

DECLARES the Motion inadmissible, **AND**

INVITES the Prosecution to submit a new Motion consistent with the Decision of 29 November 2006.

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

/signed/

Judge Jean-Claude Antonetti
Presiding Judge

Done this fifth day of December 2007
At The Hague, The Netherlands

[Seal of the Tribunal]