



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 February 2007
Original: ENGLISH
French

IN TRIAL CHAMBER III

Before: Judge Jean-Claude Antonetti
Judge Árpád Prandler
Judge Stefan Trechsel
Reserve Judge Antoine Kesia-Mbe Mindua

Registrar: Mr Hans Holthuis

Order of: 21 February 2007

THE PROSECUTOR

v.

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

ORDER TO ADMIT EVIDENCE REGARDING WITNESS CU

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 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”),

CONSIDERING that the Office of the Prosecutor (“Prosecution”) requested the admission of 18 documents,¹ while Counsel for the Accused Prlić (“Prlić Defence”), Counsel for the Accused Stojić (“Stojić Defence”), Counsel for the Accused Praljak (“Praljak Defence”), Counsel for the Accused Petković (“Petković Defence”), Counsel for the Accused Ćorić (“Ćorić Defence”) and Counsel for the Accused Pušić (“Pušić Defence”), requested the admission of 10,² 4,³ 25,⁴ 7,⁵ 4,⁶ and 3⁷ documents, respectively, related to the testimony of Witness CU (“Proposed Exhibits”) which took place from 15 to 17 January 2007,

CONSIDERING that the Chamber has heard the objections raised by the Prosecution⁸ and the Stojić Defence⁹ against the admission of the Proposed Exhibits,

CONSIDERING that the Chamber has examined each of the Proposed Exhibits on the basis of the admissibility criteria set out in its Decision of 13 July 2006 on the Admission of Evidence,

CONSIDERING that the Chamber decides to admit into evidence the documents indicated “Admitted” in the Annex attached to this decision since they were put to Witness CU and bear sufficient indicia of relevance, probative value, and reliability,

FOR THE FOREGOING REASONS,

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

GRANTS the requests of the Stojić Defence, Petković Defence and Ćorić Defence,

PARTIALLY GRANTS the requests of the Prosecution, the Prlić Defence and Praljak Defence,

¹ IC 00230.

² IC 00221.

³ IC 00222.

⁴ IC 00223.

⁵ IC 00224.

⁶ IC 00225.

⁷ IC 00226.

⁸ IC 00231.

⁹ Objection of Bruno Stojić to Admission of Prosecution Exhibit P 02892 through witness CU (confidential), 19 January 2007.

DECIDES that the documents indicated “Admitted” in the Annex attached to this decision should be admitted into evidence,

DENIES the request of the Pušić Defence for the reasons explained in the Annex attached to this decision,

DENIES in all other respects the requests of the Prosecution and the Prlić Defence for the reasons explained in the Annex attached to this decision,

AND DENIES, by a majority, in all other respects the request of the Praljak Defence for the reasons explained in the Annex attached to this decision, Judge Antonetti appending a dissenting opinion.

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

/signed/

Judge Jean-Claude Antonetti
Presiding Judge

Done this twenty-first day of February 2007
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 00567	Prosecution	Admitted.
P 01843	Prosecution	Admitted.
P 01913	Prosecution	Admitted.
P 01978	Prosecution	Admitted.
P 01962	Petković Defence	Admitted.
P 01970	Petković Defence	Admitted.
P 01997	Prosecution	Admitted.
P 02000	Praljak Defence	Admitted.
P 02215	Prosecution	Admitted.
P 02225	Prosecution	Admitted.
P 02502	Ćorić Defence	Admitted (under seal).
P 02892	Prosecution	Not admitted (reason: witness unable to provide the Chamber information in court about the authenticity, relevance, and probative value).
P 03185	Prosecution/Ćorić Defence/Prlić Defence	Admitted (under seal).
P 03818	Prosecution	Admitted.
P 04838	Prosecution	Admitted.
P 05642	Prosecution/Ćorić Defence	Admitted.
P 06349	Prosecution/Ćorić Defence	Admitted.
P 06863	Prlić Defence	Admitted (under seal).
P 06984	Prosecution	Admitted.
P 07104	Prosecution	Admitted.
P 07465	Prosecution	Admitted.
P 07785	Prosecution	Admitted.
P 09838	Prosecution	Admitted (under seal).
1D 01143	Prlić Defence	Admitted.
1D 01144	Prlić Defence	Admitted.
1D 01145	Prlić Defence	Admitted.
1D 01146	Prlić Defence	Admitted.
1D 01147	Prlić Defence	Admitted.
1D 01148	Prlić Defence	Not admitted (reason: witness unable to provide the Chamber information in court about the authenticity, relevance, and probative value).
1D 01149	Prlić Defence	Admitted (under seal).
1D 01196	Prlić Defence	Admitted (under seal).
2D 00009	Stojić Defence	Admitted.
2D 00229	Stojić Defence	Admitted.
2D 00265	Stojić Defence	Admitted (under seal).
2D 00311	Stojić Defence	Admitted.
3D 00014	Praljak Defence	Already admitted on 11 January 2007.
3D 00024	Praljak Defence	Admitted.
3D 00027	Praljak Defence	Admitted.
3D 00165	Praljak Defence	Already admitted on 11 December 2006 as Exhibit 4D 00036.
3D 00650	Praljak Defence	Admitted (under seal).

3D 00651	Praljak Defence	Not admitted (reason: witness unable to provide the Chamber information in court about the authenticity, relevance, and probative value).
3D 00652	Praljak Defence	Admitted.
3D 00653	Praljak Defence	Admitted.
3D 00655	Praljak Defence	Admitted.
3D 00657	Praljak Defence	Admitted.
3D 00658	Praljak Defence	Admitted.
3D 00661	Praljak Defence	Admitted (under seal).
3D 00662	Praljak Defence	Admitted.
3D 00665	Praljak Defence	Admitted.
3D 00666	Praljak Defence	Admitted.
3D 00667	Praljak Defence	Admitted.
3D 00677	Praljak Defence	Admitted.
3D 00370	Praljak Defence	Already admitted on 11 January 2007.
3D 00682	Praljak Defence	Not admitted by a majority (reason: witness unable to provide the Chamber information in court about the authenticity, relevance, and probative value).
3D 00683	Praljak Defence	Not admitted by a majority (reason: witness unable to provide the Chamber information in court about the authenticity, relevance, and probative value).
3D 00684	Praljak Defence	Not admitted by a majority (reason: witness unable to provide the Chamber information in court about the authenticity, relevance, and probative value).
4D 00035	Praljak Defence	Admitted.
4D 00089	Petković Defence	Admitted.
4D 00438	Petković Defence	Admitted.
4D 00445	Petković Defence	Admitted.
4D 00473	Petković Defence	Admitted.
4D 00474	Petković Defence	Admitted.
6D 00221	Pušić Defence	Not admitted (reason: witness unable to provide the Chamber information in court about the authenticity, relevance, and probative value).
6D 00222	Pušić Defence	Not admitted (reason: witness unable to provide the Chamber information in court about the authenticity, relevance, and probative value).
6D 00223	Pušić Defence	Not admitted (reason: witness unable to provide the Chamber information in court about the authenticity, relevance, and probative value).
IC 00218	Praljak Defence	Admitted.
IC 00219	Praljak Defence	Admitted.