



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: 14 June 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: 14 June 2007

THE PROSECUTOR

v.

Jadranko PRLIĆ
Bruno STOJIC
Slobodan PRALJAK
Milivoj PETKOVIĆ
Valentin ĆORIĆ
Berislav PUŠIĆ

PUBLIC

ORDER TO ADMIT EVIDENCE REGARDING WITNESS GRANT FINLAYSON

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 Stojic
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”),

CONSIDERING that the Office of the Prosecutor (“Prosecution”) moved for the admission of 44 documents¹ and that Counsel for the Accused Stojić (“Stojić Defence”), Counsel for the Accused Praljak (“Praljak Defence”) and Counsel for the Accused Petković (“Petković Defence”) moved for the admission of, respectively, 9,² 14³ and 11⁴ documents relating to the testimony of Witness Grant Finlayson, who appeared before the Chamber on 7, 8, 9 and 10 May 2007 (“Proposed Exhibits”),

NOTING the “Decision on Admission of Evidence”, rendered by the Chamber on 13 July 2006 (“Decision of 13 July 2006”),

CONSIDERING that the Chamber has heard the objections raised by the Stojić Defence with regard to the admission of documents P 05519 and P 05553 tendered by the Prosecution for admission⁵ and the Prosecution’s response to these objections,⁶

CONSIDERING that the Chamber has examined each of the Proposed Exhibits based on the criteria for admissibility defined in its Decision of 13 July 2006 taking into consideration the objections raised by the Parties,

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 Grant Finlayson and have satisfactory indicia of relevance, probative value and reliability,

CONSIDERING that the Chamber hereby decides not to admit into evidence the documents labelled “not admitted” in the Annex attached to this decision because they are not in conformity with the instructions of the Decision of 13 July 2006,

FOR THE FOREGOING REASONS,

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

DECIDES by a majority of Judges to:

PARTIALLY GRANT the motions of the Prosecution, the Stojić Defence, the Praljak Defence and the Petković Defence,

ADMIT into evidence the documents labelled “admitted” in the Annex attached to this decision,
AND

DISMISS the motions of the Prosecution, the Stojić Defence, the Praljak Defence and the Petković Defence in all other respects for the reasons noted above and in the Annex attached to this decision.

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

¹ IC 00553.

² IC 99554 and the “Motion of Bruno Stojić to Remove Confidential Status of Portions of Personal Notes of Witness Grant Finlayson (2D 00451) (and Related Portions of Trial Transcript) and to Admit those Portions of Notes into Evidence”, filed confidentially on 9 May 2007.

³ IC 00555.

⁴ IC 00556.

⁵ IC 00560.

⁶ IC 00562.

/signed/

Judge Jean-Claude Antonetti
Presiding Judge

Done this fourteenth day of June 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)
2D 00156	Stojić Defence	Not admitted by a majority (reason: witness unable to clarify to the Chamber its relevance or probative value).
2D 00289	Stojić Defence	Admitted.
2D 00406	Stojić Defence	Admitted.
2D 00450	Stojić Defence	Admitted.
2D 00451 page : 11	Stojić Defence	Not admitted (reason: the document was not presented to the witness in court).
2D 00451 under seal, pages : 1, 2, 3, 4, 6, 7, 8, 9, 10, 15, 25, 26, 31	Stojić Defence	Admitted under seal.
2D 00451 pages : 26 and 27 under seal	Petković Defence	Admitted under seal.
2D 00452	Stojić Defence	Admitted.
3D 00913	Praljak Defence	Not admitted by a majority (reason: witness unable to clarify to the Chamber its relevance or probative value).
3D 00917 pages : 10, 20 and 46 under seal	Praljak Defence	Admitted under seal.
4D 00456	Petković Defence	Admitted.
4D 00457	Petković Defence	Admitted.
4D 00552	Petković Defence	Not admitted by a majority (reason: witness unable to clarify to the Chamber its relevance or probative value).
4D 00557	Petković Defence	Admitted.
IC 00042	Praljak Defence	Already admitted on 16 October 2006.
IC 00427	Praljak Defence	Admitted.
IC 00536	Prosecution	Admitted.
IC 00537	Prosecution	Admitted.
IC 00538	Prosecution	Admitted.
IC 00539	Prosecution	Admitted.
IC 00540	Prosecution	Admitted.
IC 00541	Prosecution	Admitted.
IC 00546	Praljak Defence	Admitted.
IC 00547	Praljak Defence	Admitted.
IC 00548	Praljak Defence	Admitted.
IC 00549	Praljak Defence	Admitted.

IC 00550	Praljak Defence	Admitted.
IC 00551	Prosecution	Admitted.
P 00487	Prosecution	Admitted.
P 00755 page : 7	Praljak Defence	Admitted.
P 02054	Prosecution	Already admitted on 11 January 2007.
P 02107	Stojić Defence	Not admitted by a majority (reason: witness unable to clarify to the Chamber its relevance or probative value).
P 02293	Prosecution	Admitted.
P 02488	Praljak Defence	Not admitted by a majority (reason: witness unable to clarify to the Chamber its relevance or probative value).
P 02598	Stojić Defence	Admitted.
P 02621	Stojić Defence	Admitted.
P 02657	Prosecution	Admitted.
P 02750 under seal	Petković Defence	Admitted under seal.
P 02751	Prosecution	Admitted.
P 02830	Prosecution	Admitted.
P 05085 page : 2	Praljak Defence	Admitted.
P 05234	Petković Defence	Admitted.
P 05234	Praljak Defence	Admitted.
P 05263	Petković Defence	Admitted.
P 05285	Petković Defence	Admitted.
P 05326	Prosecution	Admitted.
P 05404	Prosecution	Admitted.
P 05519	Prosecution	Not admitted by a majority (reason: witness unable to clarify to the Chamber its relevance or probative value).
P 05553	Prosecution	Not admitted by a majority (reason: witness unable to clarify to the Chamber its relevance or probative value).
P 05567	Prosecution	Admitted.
P 05571	Prosecution	Admitted.
P 05990	Prosecution	Admitted.
P 05990	Petković Defence	Admitted.
P 06091	Petković Defence	Admitted.
P 06389	Prosecution	Admitted.
P 06686	Prosecution	Admitted.
P 06785 under seal	Prosecution	Admitted under seal.

P 06913	Prosecution	Admitted.
P 06993	Prosecution	Admitted.
P 07070	Prosecution	Admitted.
P 07177	Prosecution	Admitted.
P 07255	Prosecution	Admitted.
P 07318	Prosecution	Admitted.
P 07368	Prosecution	Admitted.
P 07489	Prosecution	Admitted.
P 07587	Prosecution	Admitted.
P 07633	Prosecution	Admitted.
P 07700	Prosecution	Admitted.
P 07766	Prosecution	Admitted.
P 07771 under seal	Prosecution	Admitted under seal.
P 07875	Prosecution	Admitted.
P 07930	Prosecution	Admitted.
P 10000	Prosecution/Praljak Defence	Admitted.
P 10001	Prosecution	Admitted.
P 10002	Prosecution	Admitted.
P 10003	Prosecution	Admitted.
P 10004	Prosecution	Admitted.
P 10006	Prosecution	Admitted.