



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 STOJIĆ
Slobodan PRALJAK
Milivoj PETKOVIĆ
Valentin ĆORIĆ
Berislav PUŠIĆ**

ORDER TO ADMIT EVIDENCE REGARDING WITNESS BC

The Office of the Prosecutor:

Mr Kenneth Scott

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 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 17 documents¹ and that 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”) moved for the admission of, respectively, 14,² 7,³ 8,⁴ 1,⁵ 18⁶ and 2⁷ documents relating to the testimony of Witness BC, who appeared before the Chamber on 14, 15 and 16 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 Prosecution with regard to the admission of the Proposed Exhibits, specifically with regard to the admission of document P 03005 on the grounds that the Prlić Defence did not ask the Witness to comment on the document,⁸

CONSIDERING that the Chamber has heard the response of the Prlić Defence to the objections raised by the Prosecution,⁹ specifically with regard to document P 03005, in which the Prlić Defence maintains that at an earlier date the Chamber authorised a Party to request the admission of several documents on the basis of a single question put to a witness,

CONSIDERING that if the Chamber, exceptionally, authorised a Party to show a series of documents to a witness in order to ask him a single general question, it never went back on the rules established in the Decision of 13 July 2006,

CONSIDERING, moreover, that, at the hearing of Witness BC, the Chamber noted that the Prlić Defence requested the admission of the entire testimony of Witness BC given in the *Halilović* case,¹⁰ although only some excerpts of it were presented at the hearing,¹¹

CONSIDERING that guideline 4 of the Decision of 13 July 2006 reads: “Should a party only present an excerpt of a document during trial, it must limit its request for admission to that excerpt alone. The party must disclose the page and/or paragraph numbers of the document from which the excerpt it seeks to tender is taken,”¹²

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 BC and have satisfactory indicia of relevance, probative value and reliability,

¹ IC 00565.

² IC 00566.

³ IC 00567.

⁴ IC 00568.

⁵ IC 00569.

⁶ IC 00570.

⁷ IC 00571.

⁸ IC 00575.

⁹ IC 00680.

¹⁰ 1 D01527.

¹¹ Witness BC, Court Transcript in French (“T(F)”) p. 18606.

¹² Decision of 13 July 2006, guideline 4, p. 9.

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 unanimously to grant the motions of the Prosecution, the Stojić Defence, the Petković Defence and the Pušić Defence,

DECIDES by a majority of Judges to:

GRANT PARTIALLY the motions of the Prlić Defence, the Praljak Defence and the Ćorić Defence,

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

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

Judge Antonetti attaches a dissenting opinion with respect to the dismissal of some documents.

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

/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)
P 02889	Prosecution/ Ćorić Defence	Admitted
P 03573	Prosecution	Admitted
P 03962	Prosecution	Admitted
P 04174	Prosecution	Admitted
P 05151	Prosecution	Admitted
P 05289	Prosecution	Admitted under seal
P 09678	Prosecution/ Stojić Defence	Admitted under seal
P 09840	Prosecution	Admitted under seal
P 09847	Prosecution	Admitted under seal
P 09842	Prosecution/ Stojić Defence	Admitted under seal
P 09843	Prosecution/ Prlić Defence	Admitted under seal
P 09844	Prosecution	Admitted under seal
P 09850	Prosecution	Admitted under seal
P 09851	Prosecution	Admitted under seal
P 09999	Prosecution/ Prlić Defence	Admitted under seal
P 10009	Prosecution	Admitted under seal
P 10010	Prosecution	Admitted under seal
P 02151	Prlić Defence	Admitted
P 03005	Prlić Defence	Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).
P 03900	Prlić Defence	Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).
P 05428	Prlić Defence	Admitted
1D 01328	Prlić Defence	Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).
1D 01329	Prlić Defence	Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).
1D 01332	Prlić Defence	Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).
1D 01334	Prlić Defence	Not admitted (reason: the Prlić Defence did not specify on its IC list the extracts of the document that it tendered for admission).
1D 01524	Prlić Defence	Admitted
1D 01526	Prlić Defence	Not admitted (reason: witness unable to clarify to the Chamber its

		relevance or probative value).
1D 01527	Prlić Defence	Not admitted (reason: the Prlić Defence did not specify on its IC list the extracts of the document that it tendered for admission).
1D 01529	Prlić Defence	Admitted
P 02611	Stojić Defence	Admitted
P 02750	Stojić Defence	Admitted
P 05091	Stojić Defence/ Praljak Defence	Admitted
2D 00446	Stojić Defence	Admitted
2D 00453	Stojić Defence	Admitted
3D 00902	Praljak Defence	Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).
IC00558	Praljak Defence	Admitted
IC00557	Praljak Defence	Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).
3D00879	Praljak Defence	Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).
IC 00559	Praljak Defence	Admitted
3D 00880	Praljak Defence	Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).
P 03547	Petković Defence	Admitted
P 06771	Ćorić Defence	Admitted
P 06855	Ćorić Defence	Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).
P 07027	Ćorić Defence	Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).
5 D 02019	Ćorić Defence	Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).
5 D 02027	Ćorić Defence	Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).
5D 02047	Ćorić Defence	Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).
P 02258	Ćorić Defence	Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).
P 02270	Ćorić Defence	Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).

P 03508	Ćorić Defence	Admitted
P 03523	Ćorić Defence	Admitted
P 03672	Ćorić Defence	Admitted
P 05003	Ćorić Defence	Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).
P 06367	Ćorić Defence	Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).
P 06561	Ćorić Defence	Admitted
P 06577	Ćorić Defence	Admitted
P 06730	Ćorić Defence	Admitted
P 06764	Ćorić Defence	Not admitted (reason: witness unable to clarify to the Chamber its relevance or probative value).
P 05320	Pusić Defence	Admitted
P 05358	Pusić Defence	Admitted