



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: 12 June 2007
Original: ENGLISH
French

IN TRIAL CHAMER III

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

Registrar: Mr Hans Holthuis

Order of: 12 June 2007

THE PROSECUTOR

v.

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

PUBLIC FILING

ORDER TO ADMIT EVIDENCE REGARDING WITNESS HERBERT OKUN

The Office of the Prosecutor:

Mr Kenneth Scott
M 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 40 documents¹ while Counsel for the Accused Prlić (“Prlić Defence”), Counsel for the Accused Stojić (“Stojić Defence”), Counsel for the Accused Praljak (“Praljak Defence”) and Counsel for the Accused Petković (“Petković Defence”) requested the admission of 24², 3³, 9⁴ and 5⁵ documents, respectively, related to the testimony of Herbert Okun (“Proposed Exhibits”) who appeared before the Chamber on 2 and 5 April 2007;

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 (“Decision of 13 July 2006”);

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 Herbert Okun and bear sufficient indicia of relevance, probative value, and reliability;

CONSIDERING that the Chamber decides not to admit into evidence the Proposed Exhibits indicated “Not Admitted” in the Annex attached to this decision since they are not in compliance with the Decision of 13 July 2006;

FOR THE FOREGOING REASONS,

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

GRANTS the request for admission of the Stojić Defence, the Praljak Defence and the Petković Defence;

PARTIALLY GRANTS the request for admission of the Prosecution and the Prlić Defence;

¹ IC 00522 and IC 00544.

² IC 00523 and IC 00545.

³ IC 00524.

⁴ IC 00525.

⁵ IC 00526.

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

DENIES in all the other respects the requests for admission by the Prosecution and the Prlić Defence for the above reasons and as stated in the Annex attached to this decision.

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

/signed/

Judge Jean-Claude Antonetti
Presiding Judge

Done this twelfth day of June 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)
1D 00396	Prlić Defence	Not admitted (Reason: the document has not been registered in the eCourt system).
1D 00893	Prlić Defence	Admitted
1D 00894	Prlić Defence	Admitted
1D 01311	Prlić Defence	Not admitted (Reason: the Prlić Defence has not specified which parts of the document it seeks to be admitted).
1D 01312	Prlić Defence	Admitted
1D 01313	Prlić Defence	Admitted
1D 01314	Prlić Defence	Admitted
1D 01315	Prlić Defence	Admitted
1D 01316	Prlić Defence	Admitted
1D 01317	Prlić Defence	Not admitted (Reason: the documents were not put to the Witness in court).
1D 01318	Prlić Defence	Admitted
2D 00438	Stojić Defence	Admitted
2D 00440	Stojić Defence	Admitted
2D 00441	Stojić Defence	Admitted
3D 00856	Praljak Defence	Admitted
3D 00858	Praljak Defence	Admitted
3D 00859	Praljak Defence	Admitted
3D 00869	Praljak Defence	Admitted
3D 00870	Praljak Defence	Admitted
3D 00871	Praljak Defence	Admitted
3D 00872	Praljak Defence	Admitted
3D 00873	Praljak Defence	Admitted
4D 00100	Petković Defence	Admitted
4D 00395	Petković Defence	Admitted
4D 00540	Petković Defence	Admitted
4D 00542	Petković Defence	Admitted
IC 00047	Praljak Defence	Already admitted on 30 November 2006.
IC 00520	Prosecution	Admitted
IC 00521	Prosecution	Admitted
P 00065	Prlić Defence	Not admitted (Reason: the documents were not put to the Witness in court).
P 00075	Prlić Defence	Not admitted (Reason: the documents were not put to the Witness in court).
P 00083	Prlić Defence	Not admitted (Reason: the documents were not put to the Witness in court).

P 00086	Prlić Defence	Not admitted (Reason: the documents were not put to the Witness in court).
P 00111	Prlić Defence	Not admitted (Reason: the documents were not put to the Witness in court).
P 00159; pages: R016-3783; R016-3799; R016-3805; R016-3810; R016-3810; R016-3813; R016-3813; R016-3819; R016-3820; R016-3822; R016-3845; R016-3874	Prlić Defence	Not admitted (Reason: the documents were not put to the Witness in court).
P 00159: R016-3828	Prosecution	Admitted
P 00159: R016-3828; R016-3832	Prlić Defence	Admitted
P 00187	Prosecution	Already admitted on 10 May 2006.
P 00534: R016-4042-R016-4043	Prosecution	Admitted
P 00660	Prosecution	Admitted
P 00752	Prosecution/Prlić Defence	Admitted
P 00829: R016-4173-R016-4176	Prosecution	Admitted
P 00829: R016-4229-R016-4241	Prosecution	Not admitted (Reason: the documents were not put to the Witness in court).
P 00932	Prlić Defence	Admitted
P 01038: R016-4173-R016-4268; R016-4280-R016-4298; R016-4307-R0164320	Prosecution	Admitted
P 01047	Prosecution	Admitted
P 01116	Prosecution	Admitted
P 01140	Prosecution	Already admitted on 2 October 2006.
P 01150	Prosecution	Admitted
P 01155	Prosecution	Admitted
P 01156	Prosecution	Already admitted on 2 October 2006.
P 01158	Prosecution/Prlić Defence	Not admitted (Reason: the parties have not specified which parts of the document they seek to be admitted).
P 01168	Prosecution	Admitted
P 01187	Prlić Defence	Not admitted (Reason: the documents were not put to the Witness in court).
P 01192	Prosecution	Admitted
P 01263	Prosecution	Admitted
P 01267	Prosecution	Admitted
P 01275: R016-4331-R016-4335	Prosecution	Admitted

P 01275: R016-4346-R016-4351	Prosecution	Not admitted (Reason: the documents were not put to the Witness in court).
P 01285	Prosecution	Admitted
P 01329	Prosecution	Already admitted on 23 November 2006.
P 01338	Prosecution	Admitted
P 01343	Prosecution	Admitted
P 01363	Prosecution	Admitted
P 01398	Prosecution/Prić Defence	Admitted
P 01462	Prosecution	Admitted
P 01738	Prosecution	Admitted
P 01792	Prosecution	Admitted
P 01798	Prosecution	Already admitted on 2 October 2006.
P 01924	Prić Defence	Admitted
P 01983	Prosecution	Admitted
P 02059	Prosecution/Prić Defence	Not admitted (Reason: the parties have not specified which parts of the document they seek to be admitted).
P 02078	Prosecution/Petković Defence	Admitted
P 09276	Prosecution	Already admitted on 2 October 2006.
P 09519	Prosecution	Admitted
P 09841	Prosecution	Admitted
P 09852	Prosecution/Prić Defence	Admitted
P 09853	Prosecution	Admitted
P 09927	Prosecution	Admitted