



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: 16 June 2008
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: 16 June 2008

THE PROSECUTOR

v.

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

PUBLIC

**ORDER ADMITTING EVIDENCE RELATIVE TO WITNESS ADALBERT
REBIĆ**

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 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 Counsel for the Accused Prlić (“Prlić Defence”), the Office of the Prosecutor (“Prosecution”), Counsel for the Accused Praljak (“Praljak Defence”) and Counsel for the Accused Petković (“Petković Defence”) requested the admission, respectively, of 60,¹ 19,² 2³ and 1⁴ exhibit relative to the testimony of Adalbert Rebić (“Proposed Exhibits”) who appeared in court from 19 to 22 May 2008,

CONSIDERING that none of the Parties formulated any objections to the admission of the Proposed Exhibits,

CONSIDERING that the Chamber has examined each one of the Proposed Exhibits based on the admissibility criteria defined in the Decision on Admission of Evidence, rendered by the Chamber on 13 July 2006 (“Decision of 13 July 2006”) and in the Decision Adopting Guidelines for the Presentation of Defence Evidence, rendered by the Chamber on 24 April 2008 (“Decision of 24 April 2008”),⁵

CONSIDERING that the Chamber notes that Exhibit 1D 02921 requested for admission is not on the exhibit list filed by the Prlić Defence pursuant to Rule 65 *ter* of the Rules of Procedure and Evidence (“Rules”),

CONSIDERING nevertheless that the Chamber authorised the Prlić Defence to use this exhibit during the examination-in-chief of Witness Adalbert Rebić at the hearing of 19 May 2008,⁶

CONSIDERING that the Chamber finds, after a *prima facie* examination of the reliability, relevance and probative value of Exhibit 1D 02921, that it may be added to the list of exhibits filed by the Prlić Defence pursuant to Rule 65 *ter* of the Rules in view of its admission,

¹ IC 00795.

² IC 00796.

³ IC 00797.

⁴ IC 00798.

⁵ Guideline 8 on the admission of documentary evidence through a witness.

⁶ Court transcript in French, p. 28166.

CONSIDERING that the Chamber decides to admit into evidence the Proposed Exhibits marked “admitted” in the Annex attached to this decision since they were presented to Witness Adalbert Rebić and bear sufficient indicia of reliability, relevance and probative value,

CONSIDERING that the Chamber decides not to admit into evidence the Proposed Exhibits marked “not admitted” in the Annex attached to this decision because they do not comply with the instructions established by the Decision of 13 July 2006 and the Decision of 24 April 2008,

FOR THE FOREGOING REASONS,

PURSUANT TO Rules 54 and 89 of the Rules,

AUTHORISES the Prlić Defence to add Exhibit 1D 02921 to its exhibit list filed pursuant to Rule 65 *ter* of the Rules,

GRANTS the request of the Petković Defence,

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

DECIDES to admit into evidence the Proposed Exhibits marked “admitted” in the Annex attached to this decision,

DECIDES to deny the Prosecution request for admission in all other respects for the reasons set out in the Annex attached to this decision,

AND

DECLARES moot the Prlić Defence request regarding Exhibits 1D 02283, 1D 02585, 1D 02586, 1D 02587, 1D 02606, 1D 02607, 1D 02609, 1D 02623, 1D 02637,

1D 02778, 3D 01030 and 3D 02710, the Praljak Defence request regarding Exhibit 3D 01036, the Prosecution request for Exhibits P 010406 and P 010407, and the Prlić Defence and Prosecution requests regarding Exhibits 1D 02588, 1D 02608 and 1D 02638 for the reasons set out in the Annex attached to this decision.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this sixteenth day of June 2008
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 01320	Prlić Defence	Admitted
1D 01432	Prlić Defence	Admitted
1D 01710	Prlić Defence	Admitted
1D 01798	Prlić Defence	Admitted
1D 01936	Prlić Defence	Admitted
1D 02008	Prlić Defence and Prosecution	Admitted
1D 02277	Prlić Defence and Prosecution	Admitted
1D 02283	Prlić Defence	Moot (Already admitted by the Order Admitting Evidence Relative to Witness Damir Zorić, "Order of 29 May 2008")
1D 02584	Prlić Defence	Admitted
1D 02585	Prlić Defence	Moot (Already admitted by the "Order of 29 May 2008")
1D 02586	Prlić Defence	Moot (Already admitted by the "Order of 29 May 2008")
1D 02587	Prlić Defence	Moot (Already admitted by the "Order of 29 May 2008")
1D 02588	Prlić Defence and Prosecution	Moot (Already admitted by the "Order of 29 May 2008")
1D 02589	Prlić Defence	Admitted
1D 02590	Prlić Defence	Admitted
1D 02591	Prlić Defence	Admitted
1D 02592	Prlić Defence	Admitted
1D 02593	Prlić Defence	Admitted
1D 02594	Prlić Defence	Admitted
1D 02595	Prlić Defence	Admitted
1D 02596	Prlić Defence	Admitted
1D 02597	Prlić Defence	Admitted
1D 02598	Prlić Defence	Admitted
1D 02599	Prlić Defence	Admitted
1D 02600	Prlić Defence	Admitted
1D 02601	Prlić Defence	Admitted
1D 02602	Prlić Defence	Admitted
1D 02603	Prlić Defence	Admitted

1D 02604	Prlić Defence	Admitted
1D 02605	Prlić Defence	Admitted
1D 02606	Prlić Defence	Moot (Already admitted by the "Order of 29 May 2008")
1D 02607	Prlić Defence	Moot (Already admitted by the "Order of 29 May 2008")
1D 02608	Prlić Defence and Prosecution	Moot (Already admitted by the "Order of 29 May 2008")
1D 02609	Prlić Defence	Moot (Already admitted by the "Order of 29 May 2008")
1D 02610	Prlić Defence and Praljak Defence	Admitted
1D 02611	Prlić Defence	Admitted
1D 02612	Prlić Defence	Admitted
1D 02613	Prlić Defence	Admitted
1D 02614	Prlić Defence	Admitted
1D 02615	Prlić Defence	Admitted
1D 02619	Prlić Defence	Admitted
1D 02620	Prlić Defence	Admitted
1D 02621	Prlić Defence	Admitted
1D 02623	Prlić Defence	Moot (Already admitted by the "Order of 29 May 2008")
1D 02624	Prlić Defence	Admitted
1D 02625	Prlić Defence	Admitted
1D 02627	Prlić Defence	Admitted
1D 02628	Prlić Defence and Prosecution	Admitted
1D 02629	Prlić Defence	Admitted
1D 02632	Prlić Defence	Admitted
1D 02634	Prlić Defence and Prosecution	Admitted
1D 02635	Prlić Defence	Admitted
1D 02637	Prlić Defence	Moot (Already admitted by the "Order of 29 May 2008")
1D 02638	Prlić Defence and Prosecution	Moot (Already admitted by the "Order of 29 May 2008")
1D 02735	Prlić Defence	Admitted
1D 02778	Prlić Defence	Moot (Already admitted by the "Order of 29 May 2008")
1D 02921	Prlić Defence and Prosecution	Admitted
2D 00454	Prlić Defence	Admitted
3D 01030	Prlić Defence	Moot (Already admitted by the Order to Admit Evidence Regarding Azra Krajšek of 28

		August 2007, "Order of 28 August 2007")
3D 02710	Prlić Defence	Moot (Already admitted by the "Order of 29 May 2008")
3D 01036	Praljak Defence	Moot (Already admitted by the "Order of 28 August 2007")
4D 01233	Petković Defence	Admitted
P 06697	Prosecution	Admitted in part (only paragraphs 136 to 143)
P 10192	Prosecution	Admitted
P 10193	Prosecution	Admitted
P 10406	Prosecution	Moot (Already admitted by the "Order of 29 May 2008")
P 10407	Prosecution	Moot (Already admitted by the "Order of 29 May 2008")
P 10408	Prosecution	Admitted
P 10412	Prosecution	Admitted
P 10423	Prosecution	Admitted
1D 02626	Prosecution	Not admitted (Exhibit is identical to the exhibit already admitted as 2D 00486, by the Decision of 28 August 2007)
1D 02918	Prosecution	Admitted
4D 01232	Prosecution	Not admitted (Exhibit not translated into English in the e-court system)