



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: 13 November 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: 13 November 2008

THE PROSECUTOR

v.

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

PUBLIC

**ORDER ADMITTING EVIDENCE RELATED
TO WITNESS MARINKO ŠIMUNOVIĆ**

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”) requested the admission of 37 exhibits,¹ while Counsel for the Accused Stojić (“Stojić Defence”), Counsel for the Accused Praljak (“Praljak Defence”) and the Office of the Prosecutor (“Prosecution”) requested the admission of 1,² 5,³ and 20⁴ exhibits, respectively, related to the testimony of Witness Marinko Šimunović (“Proposed Exhibits”) who appeared before the Chamber from 20 to 23 October 2008,

CONSIDERING that the Chamber has examined the objections formulated by the Prosecution against the admission of certain Proposed Exhibits from the Prlić Defence and certain Proposed Exhibits from the Praljak Defence,⁵ as well as objections formulated by the Prlić Defence against the admission of certain Proposed Exhibits from the Prosecution,⁶

CONSIDERING that the Chamber has examined each of the Proposed Exhibits on the basis of the admissibility criteria set out in the Decision on the 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”),⁷

CONSIDERING that the Chamber decides to admit into evidence the Proposed Exhibits indicated “Admitted” in the Annex attached to this Decision since they were put to the witness at the hearing and bear sufficient indicia of relevance, reliability and probative value,

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

¹ IC00870.

² IC 00874.

³ IC 00871.

⁴ IC 00872.

⁵ IC 00876.

⁶ IC 00875.

⁷ Guideline 8 on the admission of documentary evidence through a witness.

are not consistent with the instructions established in the Decisions of 13 July 2006 and 24 April 2008, for the reasons set out in the Annex attached to this Decision,

FOR THE FOREGOING REASONS,

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

GRANTS the request for admission by the Stojić Defence,

PARTIALLY GRANTS the requests for admission by the Prlić Defence, the Praljak Defence and the Prosecution,

DECIDES to admit into the file the Proposed Elements indicated "Admitted" in the Annex attached to this Decision,

DENIES by a majority the request by the Prlić Defence and the Prosecution with regard to exhibits 1D 02433, P 01941, P 02140, P 03461 and P 08078 for the reasons set out in the Annex attached to this Decision, **AND**

DENIES in all the other respects the requests for admission by the Praljak Defence and the Prosecution 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 thirteenth day of November 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)
1D00303	Prlić Defence	Admitted
1D00596	Prlić Defence	Admitted
1D00623	Prlić Defence	Admitted
1D00643	Prlić Defence	Admitted
1D00754	Prlić Defence	Admitted
1D01083	Prlić Defence and Prosecution	Admitted
1D01328	Prlić Defence and Prosecution	Admitted
1D01427	Prosecution	Admitted
1D02433	Prosecution	Not admitted by a majority (Reason: the witness was unable to comment on the reliability, relevance and probative value of this exhibit)
1D02434	Prlić Defence and Prosecution	Admitted (Pages 1, 2 and 3 of the English version: 1D57-0100)
1D02572	Prlić Defence and Prosecution	Admitted
1D02648	Prlić Defence	Admitted
1D02649	Prlić Defence	Admitted
1D02650	Prlić Defence	Admitted
1D02651	Prlić Defence and Prosecution	Admitted
1D02652	Prlić Defence	Admitted
1D02653	Prlić Defence	Admitted
1D02654	Prlić Defence	Admitted
1D02655	Prlić Defence and Prosecution	Admitted
1D02659	Prlić Defence	Admitted
1D02660	Prlić Defence and Prosecution	Admitted
1D02661	Prlić Defence and Prosecution	Admitted
1D02662	Prlić Defence and Prosecution	Admitted
1D02721	Prosecution	Admitted
1D02759	Prlić Defence	Admitted
1D02761	Prlić Defence	Admitted

1D02763	Prlić Defence and Prosecution	Admitted
1D02764	Prlić Defence	Admitted
1D02765	Prlić Defence	Admitted
1D02766	Prlić Defence	Admitted
1D02767	Prlić Defence	Admitted
1D02768	Prlić Defence	Admitted
1D02769	Prlić Defence	Admitted
1D02770	Prlić Defence	Admitted
1D02771	Prlić Defence	Admitted
1D02772	Prlić Defence	Admitted
1D02773	Prlić Defence	Admitted
1D02774	Prlić Defence	Admitted
1D02813	Prlić Defence	Admitted (Pages 1 and 2 of the English version: 1D57-0505 and 1D57-0523)
2D00136	Stojić Defence	Admitted
3D03151	Praljak Defence	Not admitted (Reason: the CDROM tendered by the Praljak Defence contains several archives. The Praljak Defence did not specify which of these archives were presented to the witness at the hearing and are requested for admission. Furthermore, the Praljak Defence did not provide any translations of these documents.)
3D03152	Praljak Defence	Not admitted (Reason: the CDROM tendered by the Praljak Defence contains several archives. The Praljak Defence did not specify which of these archives were presented to the witness at the hearing and are requested for admission. Furthermore, the Praljak Defence did not provide any translations of these documents.)
3D03178	Praljak Defence	Admitted
3D03227	Praljak Defence	Admitted
3D03249	Praljak Defence	Admitted
P01941	Prosecution	Not admitted by a majority (Reason: the witness was

		unable to comment on the reliability, relevance and probative value of this exhibit)
P02140	Prić Defence and Prosecution	Not admitted by a majority (Reason: the witness was unable to comment on the reliability, relevance and probative value of this exhibit)
P03461	Prosecution	Not admitted by a majority (Reason: the witness was unable to comment on the reliability, relevance and probative value of this exhibit)
P07319	Prosecution	Admitted
P07605	Prosecution	Admitted
P08078	Prosecution	Not admitted by a majority (Reason: the witness was unable to comment on the reliability, relevance and probative value of this exhibit)
P10691	Prosecution	Not Admitted (Reason: the exhibit was not presented to the witness at the hearing)