



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: 10 March 2009
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

Acting Registrar: Mr John Hocking

Order of: 10 March 2009

THE PROSECUTOR

v.

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

PUBLIC

ORDER ADMITTING EVIDENCE RELATED TO WITNESS BRUNO PINJUH

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 Stojić ("Stojić Defence") and the Office of the Prosecutor ("Prosecution") requested the admission of 29¹ and 4² exhibits, respectively, related to the testimony of Witness Bruno Pinjuh ("Proposed Exhibits(s)") who appeared on 23 and 24 February 2009,

CONSIDERING that the Chamber has examined the objections formulated by the Prosecution³ to the admission of certain Proposed Exhibits from the Stojić Defence,

CONSIDERING, moreover, that the Chamber notes that Proposed Exhibits 2D 00567, 2D 01370, 2D 01485, P 00767 and P 10783 have already been admitted by the Chamber⁴ and that, consequently, the request is moot in their regard,

CONSIDERING that the Chamber has examined each of the Proposed Exhibits on the basis of the admissibility criteria set out in the Decision on Admission of Evidence, rendered by the Chamber on 13 July 2006 ("Decision of 13 July 2006") and 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 decides to admit into evidence the Proposed Exhibits indicated "Admitted" in the Annex attached to this Decision since they were put to Witness Bruno Pinjuh 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 consistent with the instructions of the Decisions of 13 July 2006 and of 24 April 2008 for the reasons given in the Annex attached to this Decision,

¹ IC 00930.

² IC 00931.

³ IC 00932.

⁴ Proposed Exhibits 2D 00567, P 00767 and P 10783 have already been admitted by the Order Admitting Evidence related to Witness Slobodan Božić of 6 March 2009 ("Order of 6 March 2009"); Proposed Exhibits 2D 01370 and 2D 01485 have already been admitted by the Order Admitting Evidence related to Witness Davor Marijan, 25 February 2009 ("Order of 25 February 2009").

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

FOR THE FOREGOING REASONS,

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

PARTIALLY GRANTS the request for admission by the Stojić Defence and the Prosecution,

DECLARES MOOT the request of the Stojić Defence with regard to Proposed Exhibits 2D 00567, 2D 01370, 2D 01485 and P 00767 and the request of the Prosecution with regard to Proposed Exhibit P 10783 for the reasons given in the Annex attached to this Decision,

DECIDES that the Proposed Exhibits indicated “Admitted” in the Annex attached to this Decision should be admitted into evidence,

DENIES by a majority the request of the Stojić Defence with regard to Exhibit 2D 00847 for the reason stated in the Annex attached to this Decision, **AND**

DENIES in all other respects the request for admission of Proposed Exhibits by the Stojić Defence for the reasons given in the Annex attached to the present Decision.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this tenth day of March 2009

At The Hague

The Netherlands

[Seal of the Tribunal]

Annex

Exhibit Number	Party Proposing Admission of Exhibits	Admitted/Not Admitted/Marked for Identification (MFI)
2D 00567	Stojić Defence	Moot (already admitted by the Order of 6 March 2009)
2D 00847	Stojić Defence	Not Admitted by a majority (Reason: the name of Jadranko Prlić appears at the end of the English translation of the document, but does not appear in the BCS original)
2D 00927	Stojić Defence	Admitted
2D 00995	Stojić Defence	Admitted
2D 01023	Stojić Defence	Admitted
2D 01199	Stojić Defence	Admitted
2D 01206	Stojić Defence	Admitted
2D 01209	Stojić Defence	Admitted (English translation 2D71-0189)
2D 01210	Stojić Defence	Admitted
2D 01223	Stojić Defence	Admitted
2D 01224	Stojić Defence	Admitted
2D 01225	Stojić Defence	Admitted
2D 01232	Stojić Defence	Admitted
2D 01233	Stojić Defence	Admitted
2D 01234	Stojić Defence	Admitted
2D 01239	Stojić Defence	Admitted
2D 01240	Stojić Defence	Admitted
2D 01364	Stojić Defence	Admitted
2D 01370	Stojić Defence	Moot (already admitted by the Order of 25 February 2009)
2D 01485	Stojić Defence	Moot (already admitted by the Order of 25 February 2009)
P 00767	Stojić Defence	Moot (already admitted by the Order of 6 March 2009)
P 01550	Stojić Defence	Admitted
P 01553	Stojić Defence	Admitted
P 01587	Stojić Defence	Admitted
P 01831	Stojić Defence	Admitted
P 01880	Stojić Defence	Admitted
P 02647	Stojić Defence	Admitted
P 06234	Stojić Defence	Admitted
P 07433	Stojić Defence	Not Admitted (the Stojić Defence has not given the pages of the documents that it wishes to have admitted into evidence as required by paragraph 30 of the Decision of 24 April 2008).
P 00020	Prosecution	Admitted
P 10336	Prosecution	Admitted
P 10783	Prosecution	Moot (already admitted by the Order of 6 March 2009)
P 10851	Prosecution	Admitted