



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: 23 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:** 23 March 2009

**THE PROSECUTOR**

v.

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

***PUBLIC***

**ORDER ON THE ADMISSION OF EVIDENCE REGARDING WITNESS DRAGAN  
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 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 Counsel for the Accused Stojić (“Stojić Defence”) and Petković (“Petković Defence”) and the Office of the Prosecutor (“Prosecution”) requested the admission of 13,<sup>1</sup> 3<sup>2</sup> and 2<sup>3</sup> exhibits, respectively, related to the testimony of Witness Dragan Pinjuh (“Proposed Exhibits”), who appeared on 4 March 2009,

**CONSIDERING** that the Chamber has examined the objections raised by the Prosecution to three Proposed Exhibits from the Stojić Defence, namely Exhibits 1D 02173, 2D 01190 and 2D 01193,<sup>4</sup> and to three Proposed Exhibits from the Petković Defence, namely Exhibits 4D 01266, 4D 01500 and 4D 01714,<sup>5</sup>

**CONSIDERING** that the Chamber has examined the responses presented by the Stojić Defence to the objections raised by the Prosecution against the three above-mentioned Proposed Exhibits from the Stojić Defence,<sup>6</sup>

**CONSIDERING** that the Chamber has examined each of the Proposed Exhibits based on the admissibility criteria defined 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”),<sup>7</sup>

**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 Dragan Pinjuh and bear sufficient indicia of relevance, probative value and reliability,

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<sup>1</sup> IC 00939.

<sup>2</sup> IC 00940.

<sup>3</sup> IC 00941.

<sup>4</sup> IC 00943.

<sup>5</sup> IC 00944.

<sup>6</sup> IC 00951.

<sup>7</sup> Guideline 8 on the admission of documentary evidence through a witness.

**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 do not conform to the instructions of 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 Stojić Defence request for admission,

**PARTIALLY GRANTS** the requests for admission of the Petković Defence and the Prosecution,

**DECIDES** that there is cause to admit into evidence the Proposed Exhibits indicated "Admitted" in the Annex attached to this decision,

**DENIES** in all other respects the requests for admission of the Petković 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.

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/signed/

Jean-Claude Antonetti

Presiding Judge

Done this twenty-third day of March 2009

At The Hague

The Netherlands

**[Seal of the Tribunal]**

Annex

<b>Exhibit Number (preferably in numerical order)</b>	<b>Party Proposing Admission of the Exhibits</b>	<b>Admitted/Not admitted/Marked for Identification (MFI)</b>
1D02173	Stojić Defence	Admitted
2D01177	Stojić Defence	Admitted
2D01178	Stojić Defence	Admitted
2D01179	Stojić Defence	Admitted
2D01180	Stojić Defence	Admitted
2D01181	Stojić Defence	Admitted
2D01182	Stojić Defence	Admitted
2D01183	Stojić Defence	Admitted
2D01185	Stojić Defence	Admitted
2D01188	Stojić Defence	Admitted
2D01190	Stojić Defence	Admitted
2D01193	Stojić Defence	Admitted
2D01195	Stojić Defence	Admitted
4D01266	Petković Defence	Admitted
4D01500	Petković Defence	Not admitted (Reason: the witness only read the document and did not comment on the reliability, relevance or probative value of the exhibit.)
4D01714	Petković Defence	Admitted
2D00996	Prosecution	Not admitted (Reason: the witness did not comment on the reliability, relevance or probative value of the exhibit.)
2D01196	Prosecution	Admitted