



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***

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**ORDER ON THE ADMISSION OF EVIDENCE RELATED TO WITNESS  
TIHOMIR MAJIĆ**

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**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”),

**NOTING** the request for the admission of 11 exhibits tendered by Counsel for the Accused Stojić (“Stojić Defence”)<sup>1</sup> and the request for the admission of two exhibits tendered by the Office of the Prosecutor (“Prosecution”),<sup>2</sup> both relating to the testimony of Witness Tihomir Majić (“Proposed Exhibits”), who appeared on 9 March 2009,

**NOTING** the objections raised by the Prosecution to some of the Proposed Exhibits from the Stojić Defence (“Prosecution Response”)<sup>3</sup> and the Reply filed by the Stojić Defence in response to these objections (“Reply”),<sup>4</sup>

**CONSIDERING** first that the Chamber notes that, as uploaded onto *ecourt*, the BCS versions of Proposed Exhibits 2D 01252 and 2D 01254 requested for admission by the Stojić Defence are of very poor quality; that it is therefore necessary that the Stojić Defence upload onto *ecourt* a proper BCS version of the said Proposed Exhibits,

**CONSIDERING** furthermore that the Chamber notes that, in its request for admission, the Stojić Defence refers to the document page numbers and not to the page numbers as they stand in *ecourt*,

**CONSIDERING** that in view of the Chamber’s practice which requires that the pages of the documents requested for admission by the Parties be cited according to the page numbers in the English version of the document in *ecourt*, the Chamber again calls upon the Parties to conform to this practice,

**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”),

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<sup>1</sup> IC 00 945.

<sup>2</sup> IC 00 946.

<sup>3</sup> IC 00 947.

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>5</sup>

**CONSIDERING** that the Chamber decides to admit into evidence the Proposed Exhibits indicated “admitted” in the Annex attached to this decision as they were put to Witness Tihomir Majić and present 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 as they do not comply with the requirements laid down in the Decisions of 13 July 2006 and 24 April 2008 for the reasons set out in the Annex attached to this decision,

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<sup>4</sup> IC 00 953.

<sup>5</sup> Guideline 8 on 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,

**GRANTS** the Stojić Defence request for admission,

**PARTIALLY GRANTS** the Prosecution's request for admission,

**ORDERS** the Stojić Defence to upload onto e-court a proper version of Exhibits 2D 01252 and 2D 01254 for the reasons set out in this order,

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

**DENIES** in all other respects that the request admission of the Prosecution's Proposed Exhibits for the reasons set out in the Annex attached to this decision,

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

*/signed/*

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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 Exhibit</b>	<b>Admitted/Not admitted/Marked for Identification (MFI)</b>
2D 00008 (Pages requested for admission : BCS 2D03-0001 to 2D03-0010 and 2D03-0012 to 2D03-0016; the entire English translation of the document)	Stojić Defence	Admitted (Pages 1 to 10 of the BCS version <sup>6</sup> and the entire English translation)
2D 00630	Stojić Defence	Admitted
2D 00898	Stojić Defence	Admitted
2D 00955	Stojić Defence	Admitted
2D 01024	Stojić Defence	Admitted
2D 01041	Stojić Defence	Admitted
2D 01252	Stojić Defence	Admitted
2D 01253	Stojić Defence	Admitted
2D 01254	Stojić Defence	Admitted
3D 00436	Stojić Defence	Admitted
3D 00437	Stojić Defence	Admitted
P 10887	Prosecution	Admitted
2D 01250	Prosecution	Not admitted (Reason: the witness did not comment on the relevance or probative value of the exhibit.)

<sup>6</sup> Numbers corresponding to the pages in *ecourt*.