



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: 25 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: 25 March 2009

THE PROSECUTOR

v.

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

PUBLIC

ORDER ADMITTING EVIDENCE RELATED TO WITNESS HAMID BAHTO

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”),

NOTING the request for the admission of four exhibits submitted by Counsel for the Accused Stojić (“Stojić Defence”)¹ and the request for the admission of one exhibit submitted by the Office of the Prosecutor (“Prosecution”),² both related to the testimony of Witness Hamid Bahto (“Proposed Exhibit(s)”) who appeared on 11 March 2009,

NOTING the objection raised by the Stojić Defence that Hamid Bahto did not comment on the relevance, probative value and reliability of the Proposed Exhibit from the Prosecution and, in addition, had no knowledge of the events described by the Proposed Exhibit,³

NOTING the response submitted by the Prosecution to the Stojić Defence objection, according to which Witness Hamid Bahto did in fact comment on the facts described by the Proposed Exhibit,⁴

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

CONSIDERING that the Chamber finds in particular that Witness Hamid Bahto agreed that the facts described by the Proposed Exhibit from the Prosecution were substantively correct, and that as a result he did comment on the facts described by the Proposed Exhibit,⁶

¹ IC 00948.

² IC 00949.

³ IC 00952.

⁴ IC 00954.

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

⁶ Public hearing of 11 March 2009, p. 37930.

CONSIDERING that the Chamber decides to admit the Proposed Exhibits into evidence, since they were put to Witness Milan Cvikl and bear sufficient indicia of relevance, probative value and reliability,

FOR THESE REASONS,

IN ACCORDANCE WITH Rules 54 and 89 (C) of the Rules of Procedure and Evidence,

GRANTS the requests for admission submitted by the Stojić Defence and the Prosecution,

ADMITS into evidence Exhibits 2D 00955, 2D 01253, 3D 00436, 3D 00437 and P 10864.

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

/signed/
Jean-Claude Antonetti
Presiding Judge

Done this twenty-fifth day of March 2009
At The Hague
The Netherlands

[Seal of the Tribunal]