



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: 21 April 2010  
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 John Hocking

**Order of:** 21 April 2010

**THE PROSECUTOR**

v.

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

***PUBLIC***

**SUPPLEMENTAL ORDER TO ADMIT EVIDENCE REGARDING WITNESS NO**

**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 admission of eight exhibits (“Proposed Exhibits”) filed by Counsel for the Accused Milivoj Petković (“Petković Defence”),<sup>1</sup> regarding the testimony of Witness NO (“Witness”) who appeared from 22 to 23 March 2010 pursuant to Rule 92 *ter* of the Rules of Procedure and Evidence (“Rules”),

**NOTING** the “Order to Admit Evidence Regarding Witness NO”, issued publicly by the Chamber on 15 April 2010 (“Order of 15 April 2010”), in which the Chamber omitted to take into consideration the request for admission of the Petković Defence,

**NOTING** the “Decision on Presentation of Documents by the Prosecution in Cross-Examination of Defence Witnesses”, rendered publicly by the Chamber on 27 November 2008 (“Decision of 27 November 2008”),

**NOTING** the “Decision on the Interlocutory Appeal against the Trial Chamber’s Decision on Presentation of Documents by the Prosecution in Cross-Examination of Defence Witnesses”, rendered publicly by the Appeals Chamber on 26 February 2009 (“Decision of 26 February 2009”), by which it upheld the Decision of 27 November 2008,<sup>2</sup>

**NOTING** the “Order Clarifying Decision of 27 November 2008”, rendered publicly by the Chamber on 12 January 2010 (“Order of 12 January 2010”),<sup>3</sup>

**CONSIDERING** that the Chamber notes that Proposed Exhibits P 03336 and P 03929 were already admitted by the Order of 15 April 2010 and that the request for their admission is therefore moot,

**CONSIDERING** that the Chamber notes that the Petković Defence argues that it filed Proposed Exhibit 4D 02063 with the aim of casting doubt on the credibility of

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<sup>1</sup> IC 01223.

<sup>2</sup> Decision of 26 February 2009, para. 29.

<sup>3</sup> Order of 12 January 2010, p. 4.

the Witness and that, consequently, it requests that the exhibit be admitted on this ground,<sup>4</sup>

**CONSIDERING** that the Chamber examined each of the Proposed Exhibits on the basis of the admissibility criteria set out in the “Decision on the Admission of Evidence”, rendered publicly 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 publicly 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 marked as “Admitted” in the Annex attached to this Order since they were put to Witness NO in court and bear sufficient indicia of relevance, reliability and probative value,

**CONSIDERING**, in particular, that the Chamber decides to admit Proposed Exhibit 4D 02063 solely in that it goes to refuting the Witness’s credibility,

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<sup>4</sup> IC 01224.

<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,

**PARTIALLY GRANTS** the request for admission of the Petković Defence,

**DECLARES MOOT** the request to admit Proposed Exhibits P 03336 and P 03929.

**DECIDES** that it is appropriate to admit the Proposed Exhibits marked as “Admitted” in the Annex attached to this decision, **AND**

**DECIDES**, in particular, that it is appropriate to admit Proposed Exhibit 4D 02063 solely in that it goes to casting doubt on the credibility of Witness NO.

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

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/signed/

Jean-Claude Antonetti

Presiding Judge

Done this twenty-first day of April 2010

At The Hague

The Netherlands

**[Seal of the Tribunal]**

**Annex**

<b>Exhibit number</b>	<b>Party proposing admission of exhibit</b>	<b>Admitted/Not admitted/Marked for identification (MFI)</b>
4D 01261	Petković Defence	Admitted
4D 02063	Petković Defence	Admitted solely in that it goes to refuting the credibility of Witness NO
P 03336	Petković Defence	Moot (Reason: already admitted by the Order of 15 April 2010)
P 03391	Petković Defence	Admitted
P 03542	Petković Defence	Admitted
P 03929	Petković Defence	Moot (Reason: already admitted by the Order of 15 April 2010)
P 04010	Petković Defence	Admitted
P 04140	Petković Defence	Admitted