



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: 4 November 2008
Original: ENGLISH
French

IN TRIAL CHAMBER III

Before: Judge Jean-Claude Antonetti
Judge Árpád Prandler
Judge Stefan Trechsel
Reserve Judge Antoine Kesia-Mbe Mindua

Registrar: Mr Hans Holthuis

Decision of: 4 November 2008

THE PROSECUTOR

v.

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

PUBLIC

**DECISION ON THE STOJIĆ DEFENCE
REQUEST FOR RECONSIDERATION**

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”),

SEIZED of Bruno Stojić’s Request for Admission of Exhibit 2D 00007 Tendered Through Witness Borislav Puljić With Annex, presented by Counsel for the Accused Stojić (“Stojić Defence”) on 16 October 2008 (“Request”) in which they request that the Chamber reconsider its Order Admitting Evidence Related to Witness Borislav Puljić dated 14 October 2008 (“Order of 14 October 2008”) in which it decided not to admit Exhibit 2D 00007 into the case file,

NOTING the Order of 14 October 2008 in which the Chamber refused to admit Exhibit 2D 00007 into the case file on the ground that the Stojić Defence had not specified the pages of the document that it was requesting for admission, as required by paragraph 30 of the Decision of 24 April 2008,¹

CONSIDERING that the other Parties did not file a response to the Request,

CONSIDERING that in support of the Request, the Stojić Defence argues that Exhibit 2D 00007, entitled Report on the Situation and Problems in Mostar and Herzegovina, was presented to Witness Borislav Puljić and that more specifically, the Stojić Defence examined the witness on sections 1 (Introduction), 9 (Finances), 10 (Traffic) and 13 (Urban Planning and Reconstruction) of the said document,²

CONSIDERING that in the Request, the Stojić Defence explains that it was by omission that it did not mention the pages requested for admission and henceforth informs the Chamber, pursuant to paragraph 30 of the Decision of 24 April 2008, of the pages of Exhibit 2D 00007 that it requests for admission,³

CONSIDERING that a Trial Chamber has the inherent power to reconsider its own decisions and may grant a request for reconsideration if the requesting party demonstrates to the Chamber the existence of a clear error of reasoning in the

¹ Decision Adopting Guidelines for the Presentation of Defence Evidence, 24 April 2008 (“Decision of 24 April 2008”).

² Request, para. 3.

³ Request, paras. 3 and 4.

impugned decision or of particular circumstances, which may be new facts or new arguments,⁴ justifying its reconsideration in order to avoid an injustice,⁵

CONSIDERING that after analysing Exhibit 2D 00007, the Chamber finds that it henceforth fulfils the admission criteria set out in the Decision of 24 April 2008,⁶ since it was presented to Witness Borislav Puljić at the hearing and bears sufficient indicia of relevance, probative value and reliability and that the Stojić Defence has henceforth specified the pages of the exhibit that it requests for admission by the Chamber,

CONSIDERING that the Chamber decides exceptionally, in the interests of justice, to admit pages 1 to 5; 17 and 18, as well as pages 22 and 23 of the English version of the document in the ecourt system,

FOR THE FOREGOING REASONS,

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

GRANTS the Request,

DECIDES to admit into the case file pages 1; 2; 3; 4; 5; 17; 18; 22 and 23 of the English version of document 2D 00007 in the ecourt system.

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

⁴ *The Prosecutor v. Stanislav Galić*, Case No. IT-98-29-A, Decision on Defence's Request for Reconsideration, 16 July 2004, pp. 3 and 4, citing *The Prosecution v. Laurent Semanza*, Case No. ICTR-97-20-T, Trial Chamber III, Decision on Defence Motion to Reconsider Decision Denying Leave to Call Rejoinder Witnesses, 9 May 2002, para. 8.

⁵ *The Prosecutor v. Stanislav Galić*, Case No. IT-98-29-A, Decision on Defence's Request for Reconsideration, 16 July 2004, pp. 3 and 4, citing in particular *The Prosecution v. Zdravko Mucić et al.*, Case No. IT-96-21A-Bis, Judgment on Sentence Appeal, 8 April 2003, para. 49; *The Prosecutor v.*

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this fourth day of November 2008
At The Hague
The Netherlands

[Seal of the Tribunal]

Popović et al, Case No. IT-05-88-T, Decision on Defence Motion for Certification to Appeal Decision Admitting Written Evidence pursuant to Rule 92 *bis*, 19 October 2006, p. 4.

⁶ Decision of 24 April 2008, Guideline 8.