



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: 11 June 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: 11 June 2008

THE PROSECUTOR

v.

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

PUBLIC

**DECISION ON PRLIĆ DEFENCE MOTIONS TO ADD EXHIBITS TO ITS 65
TER LIST OF EXHIBITS**

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”),

SEIZED of four confidential motions to add exhibits to the list of exhibits established pursuant to Rule 65 *ter* of the Rules of Procedure and Evidence (“65 *ter* List”) filed on 14, 19, and 30 May 2008 and on 4 June 2008,¹ in which the Defence for the Accused Prlić (“Prlić Defence”) requests the leave of the Chamber to add 11 exhibits to its 65 *ter* List (“Proposed Exhibits”),²

CONSIDERING that neither the Prosecution nor Counsel for the Stojić, Praljak, Petković, Ćorić or Pušić Defences filed a response to the Motion,³

CONSIDERING that, as a preliminary remark, the Chamber notes that Exhibits 1D 02915 and 1D 02916 have already been admitted pursuant to the “Order Admitting Evidence Relative to Witness Damir Zorić” issued on 28 May 2008; that as a result the request to add these two exhibits to the 65 *ter* List is now moot since they have already been tendered into evidence,

CONSIDERING that the Chamber recalls that in order to grant a request to add exhibits to the 65 *ter* List, the exhibits must be disclosed to the Parties sufficiently in advance for their presentation to a witness in court, so as not to inhibit them in the preparation of their cross-examination,

CONSIDERING moreover that the Chamber may take into account other factors which argue in favour of or against the request to add exhibits,

¹ Jadranko Prlić’s Motion to Add Exhibits to the Rule 65 *ter* Exhibit List, filed confidentially on 14 May 2008; Jadranko Prlić’s Motion to Add Exhibits to the Rule 65 *ter* Exhibit List, filed confidentially on 19 May 2008; Jadranko Prlić’s Motion to Add Exhibits to the Rule 65 *ter* Exhibit List, filed confidentially on 30 May 2008 and Jadranko Prlić’s Motion to Add Exhibits to the Rule 65 *ter* Exhibit List, filed confidentially on 4 June 2008 (“Motion”).

² 1D 02915; 1D 02916; 1D 02917; 1D 02918, 1D 02919, 1D 02920; 1D 02926; 1D 02927; 1D 02928; 1D 02929 and 1D 02933.

³ The Prosecution and Counsel for the Praljak and Petković Defences informed the Chamber’s Legal Officer by email of their intention not to file a response to the Motion, while Counsel for the Stojić, Ćorić and Pušić Defences announced this during the hearing of 9 June 2008, Transcript in French (“T(F)”), pp. 29250 and 29251.

CONSIDERING that the Chamber finds that several of the Proposed Exhibits have already been put to a witness in court without the Prlić Defence first informing the Chamber that they were not on the 65 *ter* List; that in addition, the Prlić Defence has requested the admission of certain Proposed Exhibits without the Chamber first allowing them to be added to the 65 *ter* List,

CONSIDERING that in spite of the lack of diligence on the part of the Prlić Defence, the Chamber allows the addition of the Proposed Exhibits to the 65 *ter* List, since no prejudice is alleged by the Parties,

CONSIDERING that, consequently, the Chamber grants the Motion and allows the Prlić Defence to add Exhibits 1D 02917, 1D 02918, 1D 02919, 1D 02920, 1D 02926, 1D 02927, 1D 02928, 1D 02929 and 1D 02933 to the 65 *ter* List,

CONSIDERING moreover that the Chamber draws the attention of the Prlić Defence to the “Oral Decision Regarding the Procedure for the Presentation by the Defence of Documents Not Appearing On the 65 *ter* List”, rendered on 9 June 2008,⁴ requesting that Defence teams inform the Chamber and the other Parties, in principle 15 days in advance, of their intention to present in court documents not yet appearing on the 65 *ter* List and to justify in court their request for addition as and when the documents are being presented to a witness,

IN ACCORDANCE with Rules 54, 65 *ter* and 89 (C) of the Rules of Procedure and Evidence,

PARTIALLY GRANTS the Motion,

ALLOWS the Prlić Defence to add Exhibits 1D 02917, 1D 02918, 1D 02919, 1D 02920, 1D 02926, 1D 02927, 1D 02928, 1D 02929 and 1D 02933 to the 65 *ter* List,

AND

DISMISSES as moot the Motion in respect of Exhibits 1D 02915 and 1D 02916.

⁴ T(F) pp. 29243 and 29244.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this eleventh day of June 2008
At The Hague
The Netherlands

[Seal of the Tribunal]