



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: 14 January 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

**Decision of:** 14 January 2009

**THE PROSECUTOR**

v.

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

***PUBLIC***

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**DECISION ON PROSECUTION REQUEST FOR ADMISSION OF EXHIBIT P 01032**

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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 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 the “Prosecution Request for Admission of P 01032”, submitted by the Office of the Prosecutor (“Prosecution”) on 27 November 2008, to which a CD-Rom containing a video is attached in annex, in which the Prosecution requests that the Chamber admit Exhibit P 01032 into evidence (“Request”),

**CONSIDERING** that none of the Parties filed a response to the Motion,

**CONSIDERING** that in support of the Motion, the Prosecution recalls that by Decision of 9 October 2008,<sup>1</sup> a majority of the Chamber rejected the admission of Exhibit P 01032 on the ground that the Prosecution was requesting the admission of a transcription that was longer than the video shown in court during the appearance of Witness Zoran Perković on 4 September 2008,<sup>2</sup>

**CONSIDERING** that the Prosecution has now corrected this technical error by attaching to the request a CD-Rom containing the video shown to Zoran Perković in court and by specifying which excerpts from the transcription correspond to this video,<sup>3</sup>

**CONSIDERING** that, as a preliminary remark, the Chamber notes that since it has already ruled on the admission of Exhibit P 01032 by Decision of 9 October 2008, the Request is in fact a request for reconsideration of that decision; as a result, the Chamber decides to deal with the Request as such,

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

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<sup>1</sup> Order on Admission of Evidence Relating to Witness Zoran Perković, 9 October 2008 (“Decision of 9 October 2008”).

<sup>2</sup> Request, para. 2.

<sup>3</sup> Request, para. 3.

impugned decision or that particular circumstances, which may be new facts or new arguments,<sup>4</sup> justify its reconsideration in order to avoid an injustice,<sup>5</sup>

**CONSIDERING** that the Chamber notes that the Prosecution has indeed corrected the technical error that initially caused Exhibit P 01032 to be rejected; that the video contained in Exhibit P 01032 was in fact shown to Witness Zoran Perković in court on 4 September 2008 and that this witness was able to provide information enabling the Chamber to assess its reliability, relevance and probative value,

**CONSIDERING** that the Chamber holds that Exhibit P 01032 is particularly relevant to the extent that it refers to the proclamation of the Croatian Community of Herceg-Bosna, alleged in paragraph 21 of the Amended Indictment of 11 June 2008,

**CONSIDERING** moreover that, having analyzed Exhibit P 01032 on the basis of the admissibility criteria defined in the Decision on Admission of Evidence, rendered by the Chamber on 13 July 2006, as well as in the Decision Adopting Guidelines for the Presentation of Defence Evidence, rendered by the Chamber on 24 April 2008,<sup>6</sup> the Chamber considers that this exhibit bears sufficient indicia of reliability and probative value,

**CONSIDERING** that, consequently, the Chamber holds that it is in the interests of justice to admit Exhibit P 01032 into evidence,

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<sup>4</sup> *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 Prosecutor v. Laurent Semanza*, Case No. ICTR-97-20-T, Trial Chamber III, Decision on Defence Motion to Reconsider Decision Denying Leave to Call Rejoinder Witness, 9 May 2002, para. 8.

<sup>5</sup> *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. 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.

<sup>6</sup> Guideline 8 relating to the admission of documentary evidence through a witness.

**FOR THESE REASONS,**

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

**GRANTS** the Request, and

**ADMITS** Exhibit P 01032 into evidence.

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

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Jean-Claude Antonetti  
Presiding Judge

Done this fourteenth day of January 2009  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**