



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: 1 April 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: 1 April 2009

THE PROSECUTOR

v.

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

PUBLIC

**CORRIGENDUM TO THE DECISION ON PRLIĆ DEFENCE MOTION TO
ADMIT DOCUMENTARY EVIDENCE**

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 “Jadranko Prlić’s Motion for the Admission of Documentary Evidence”, with three attached annexes, filed on 5 December 2008 by Counsel for the Accused Prlić (“Prlić Defence”), in which the Prlić Defence requested the admission into evidence of 1135 documents, including Exhibits 1D 00208, 1D 00343, 1D 01183, 1D 01696, 1D 01712, 1D 01801, 1D 01974, 1D 01987, 1D 02148, 1D 02341, 1D 02434, 1D 02662, 1D 02909, P 00767, P 00824 and P 00921,

NOTING the Decision on Prlić Defence Motion for Admission of Documentary Evidence, rendered by the Chamber on 6 March 2009 (“Decision of 6 March 2009”),

CONSIDERING that in regards to Exhibits 1D 01987 and 1D 02434 requested for admission by the Prlić Defence, the Annex attached to the Decision of 6 March 2009 is worded as follows:

“Not Admitted (the source was not disclosed by the Prlić Defence)”,

CONSIDERING that pages 1, 2 and 3 of the English version of Exhibit 1D 02434 had already been admitted by the Order Admitting Evidence Related to Witness Marinko Šimunović of 13 November 2008,

CONSIDERING that pages 13, 14 and 15 of the English version of Exhibit 1D 01987 had already been admitted by the Order on the Admission of Evidence Related to Witness Borislav Puljić of 14 October 2008 and pages 1, 8 and 9 of the English version by the Order to Admit Evidence Related to Witness Slobodan Božić of 6 March 2009,

CONSIDERING furthermore that Witness Marko Šimunović was able to comment on the reliability and authenticity of Exhibit 1D 02434 and that Witnesses Slobodan Božić and Borislav Puljić were also able to comment on the reliability and authenticity of Exhibit 1D 01987,

CONSIDERING, consequently, that Exhibits 1D 01987 and 1D 02434 present sufficient indicia of reliability, relevance and probative value in respect to the Indictment and that the Chamber should have admitted the rest of the pages of the English version of the exhibits in question in the Decision of 6 March 2009, and that it is therefore appropriate to amend the Annex in this respect,

CONSIDERING that, in regards to Exhibits 1D 00208, 1D 01183, 1D 01696, 1D 01712, 1D 01801, 1D 01974, 1D 02148, 1D 02341 and 1D 02662, requested for admission by the Prlić Defence, the Annex attached to the Decision of 6 March 2009 is worded as follows:

“Not admitted (the source was not disclosed by the Prlić Defence)”,

CONSIDERING that Exhibits 1D 01974 and 1D 02341 had already been admitted by the Decision on Prlić Defence Motion for Reconsideration (Zoran Buntić) of 20 October 2008,

CONSIDERING that Exhibit 1D 02662 had already been admitted by the Order Admitting Evidence Related to Witness Marinko Šimunović of 13 November 2008,

CONSIDERING that Exhibits 1D 01183 and 1D 02148 had already been admitted by the Order Admitting Evidence Regarding Witness Neven Tomić of 21 January 2009,

CONSIDERING that Exhibit 1D 01712 had already been admitted by the Order Admitting Evidence Regarding Witness Mirko Zelenika of 28 January 2009,

CONSIDERING that Exhibits 1D 00208, 1D 01696 and 1D 01801 had already been admitted by the Order Admitting Evidence Regarding Witness Zdravko Batinić of 29 January 2009,

CONSIDERING that in regards to Exhibit 1D 00343, requested for admission by the Prlić Defence, the Annex attached to the Decision of 6 March 2009 is worded as follows:

“Not Admitted. (Absence of information attesting to the authenticity of the original document in BCS (Absence of an Official Gazette heading, a signature or stamp)).”

CONSIDERING that Exhibit 1D 00343 had already been admitted by the Order Admitting Evidence Regarding Witness Mirko Zelenika of 28 January 2009,

CONSIDERING that in regards to Exhibits P 00767, P 00824 and P 00921, requested for admission by the Prlić Defence, the Annex attached to the Decision of 6 March 2009 is worded as follows:

“Not Admitted. (Absence of information attesting to the authenticity of the original document in BCS (Absence of an Official Gazette heading, a signature or stamp)).”

CONSIDERING that Exhibit P 00824 had already been admitted by the Order Admitting Evidence Regarding Witness Neven Tomić of 21 January 2009,

CONSIDERING that Exhibits P 00767 and P 00921 had already been admitted by the Order to Admit Evidence Related to Witness Slobodan Božić of 6 March 2009,

CONSIDERING, consequently, that in the Decision of 6 March 2009, the Chamber should have indicated that the request for admission in regards to Exhibits 1D 00208, 1D 00343, 1D 01183, 1D 01696, 1D 01712, 1D 01801, 1D 01974, 1D 02148, 1D 02341, 1D 02662, P 00767, P 00824 and P 00921 was moot, and that it is therefore appropriate to amend the Annex in that respect,

CONSIDERING that in regards to Exhibit 1D 02909 requested for admission by the Prlić Defence, the Annex attached to the Decision of 6 March 2009 is worded as follows:

“Not admitted (the translation of the document is incomplete)”

CONSIDERING that the Chamber holds that the excerpts of Exhibit 1D 02909 translated into English could have been admitted,

CONSIDERING, consequently, that in the Decision of 6 March 2009, the Chamber should have indicated that the request for admission regarding Exhibit 1D 02909 was admitted in part, insofar as it concerns pages 1 to 3 of the English version uploaded onto *ecourt* under number 1D56-0218.

FOR THE FOREGOING REASONS,

PURSUANT TO Rules 54 and 89 of the Rules of Procedure and Evidence,

ORDERS that the Annex to the Decision of 6 March 2009 be amended as follows

- Regarding Exhibit 1D 01987:

“Admitted (pages 2 to 7, 10 to 12 and 16 to 18 of the English version)”,

- Regarding Exhibit 1D 02434:

“Admitted”

- Regarding Exhibits 1D 01974 and 1D 02341:

“Moot (already admitted by the Decision on Prlić Defence Motion for Reconsideration (Zoran Buntić) of 20 October 2008)”,

- Regarding Exhibit 1D 02662:

“Moot (already admitted by the Order Admitting Evidence Related to Witness Marinko Šimunović of 13 November 2008)”,

- Regarding Exhibits 1D 01183, 1D 02148 and P 00824:

“Moot (already admitted by the Order Admitting Evidence Regarding Witness Neven Tomić of 21 January 2009)”,

- Regarding Exhibits 1D 00343 and 1D 01712:

“Moot (already admitted by the Order Admitting Evidence Regarding Witness Mirko Zelenika of 28 January 2009)”,

- Regarding Exhibits 1D 00208, 1D 01696 and 1D 01801:

“Moot (already admitted by the Order Admitting Evidence Regarding Witness Zdravko Batinić of 29 January 2009)”,

- Regarding Exhibit 1D 02909:

“Admitted in part (only pages 1 to 3 of the English version uploaded onto ecourt under number 1D56-0218)”,

- Regarding Exhibits P 00767 and P 00921:

“Moot (already admitted by the Order to Admit Evidence Related to Witness Slobodan Božić of 6 March 2009).

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this first day of April 2009
At The Hague
The Netherlands

[Seal of the Tribunal]