



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-00-39 & 40-PT

Date: 19 July 2001

Original: ENGLISH

IN THE TRIAL CHAMBER

Before: Judge Richard May, Presiding
Judge Patrick Robinson
Judge Mohamed Fassi Fihri

Registrar: Mr. Hans Holthuis

Decision of: 19 July 2001

PROSECUTOR

v.

**MOMČILO KRAJIŠNIK
&
BILJANA PLAVŠIĆ**

**DECISION ON MOTION FROM MOMČILO KRAJIŠNIK TO
COMPEL PROSECUTION TO PROVIDE IDENTITY OF SUBORDINATES**

Office of the Prosecutor:

Mr. Mark Harmon
Mr. Alan Tieger

Counsel for the Accused:

Mr. Deyan Brashich, for Momčilo Krajišnik
Mr. Robert. J. Pavich, for Biljana Plavšić

THIS TRIAL 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 (“International Tribunal”),

BEING SEISED of the “Motion to Compel Prosecution to Provide Identity of Subordinates”, filed by the Defence for Krajišnik on 25 June 2001 (“the Motion”), in which the accused seeks to compel the Office of the Prosecutor (“Prosecution”) to provide the name and identity of each individual that the Prosecution will claim at trial is a co-conspirator or a subordinate over whom the accused Krajišnik is said to have exercised command responsibility,

NOTING the “Prosecution’s Response to Motion for Particulars as to Identity of Subordinates” filed by the Prosecution on 6 July 2001 (“the Response”), in which it opposes the Motion,

NOTING the “Motion to Allow Reply in Further Support of Motion to Compel Prosecution to Provide Identity of Subordinates” filed by the Defence on 9 July 2001,

NOTING the oral submissions of the parties made with respect to the Motion on 10 July 2001,

CONSIDERING that this Motion amounts essentially to a request for particulars of the indictment and that the Trial Chamber has already twice ruled on motions by the accused which raised similar issues (in its Decisions of 1 August 2000 and 8 May 2001),

CONSIDERING that the instant Motion raises no new relevant argument,

CONSIDERING, also, that this Motion should have been made pursuant to Rule 72, the time-limit for which has long since expired,

PURSUANT TO RULES 54, 72 AND 73 of the Rules of Procedure and Evidence of
the International Tribunal,

HEREBY DENIES THE MOTION.

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



Richard May
Presiding

Dated this nineteenth day of July 2001
At The Hague
The Netherlands

[Seal of the Tribunal]