

IT-01-47-PT  
D4018-D4016  
14 JUNE 2002

4018 KB

UNITED  
NATIONS



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-01-47-PT

Date: 14 June 2002

Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Florence Ndpele Mwachande Mumba, Pre-Trial Judge

**Registrar:** Mr. Hans Holthuis

**Decision of:** 14 June 2002

**PROSECUTOR**

v

**Enver HADŽIHASANOVIĆ  
Mehmed ALAGIĆ  
Amir KUBURA**

**CLARIFICATION OF DECISION ON JOINT DEFENCE MOTION SEEKING LEAVE TO  
REPLY TO THE PROSECUTION'S REPLY TO DEFENCE RESPONSES TO THE  
PROSECUTION'S BRIEF CONCERNING ISSUES RAISED IN THE JOINT CHALLENGE  
TO JURISDICTION ARISING FROM THE AMENDED INDICTMENT**

**The Office of the Prosecutor:**

Mr. Ekkehard Withopf  
Mr. David Re  
Mr. David Hackney  
Ms. Cynthia Fairweather  
Mr. José Doria

**Counsel for accused:**

Ms. Edina Rešidović and Mr. Stéphane Bourgon for Enver Hadžihasanović  
Ms. Vasvija Vidović and Mr. John Jones for Mehmed Alagić  
Mr. Fahrudin Ibrišimović and Mr. Rodney Dixon for Amir Kubura

**I, FLORENCE MUMBA**, Judge 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 (the “International Tribunal”),

**BEING SEISED** of the “Prosecution’s Motion for Clarification of the Decision on Joint Motion Seeking Leave to Reply to the Prosecution’s Reply to Defence Responses to the Prosecution’s Brief Concerning Issues Raised in the Joint Challenge to Jurisdiction Arising from the Amended Indictment,” (the “Motion”) filed on 13 June 2002,

**NOTING** that in the Defence’s “Joint Motion Seeking Leave to Reply to the Prosecution’s Reply to Defence Responses to the Prosecution’s Brief Concerning Issues Raised in the Joint Challenge to Jurisdiction Arising from the Amended Indictment”, (the “Defence’s Joint Motion”) filed on 6 June 2002, the Defence sought leave to reply to “issues” that the Prosecution did not raise in its Response of 24 May 2002<sup>1</sup>, but raised in its Reply of 31 May 2002<sup>2</sup>, and that the “issues” were described in paragraphs 8 and 9 of the Defence’s Joint Motion,

**RECALLING** the “Decision on Joint Defence Motion Seeking Leave to Reply to the Prosecution’s Reply to Defence Responses to the Prosecution’s Brief Concerning Issues Raised in the Joint Challenge to Jurisdiction Arising from the Amended Indictment,” filed on 12 June 2002, (the “Decision”) whereby I considered that it is in the interest of justice that the Defence have the opportunity to fully address the issues raised in the Prosecution’s Reply, as identified in the Defence’s Joint Motion, having been omitted in the Prosecution’s Response [to the Defence’s Joint Motion<sup>3</sup>], wherein the Prosecution stated that it had “a page limit of 10 plus 10 pages for its Response and Reply to these [submissions by the Accused]. Within that limit it chose to respond to the most significant issues only”,

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<sup>1</sup> Prosecutor’s Response to Defence Written submissions on Joint Challenge to Jurisdiction Arising from the Amended Indictment, 24 May 2002 (“Prosecution’s Response”)

<sup>2</sup> Prosecution’s Reply to Defence Responses to the Prosecution’s Brief Concerning Issues Raised in the Joint Challenge to Jurisdiction Arising from the Amended Indictment (“Prosecution’s Reply”)

<sup>3</sup> Prosecution’s Response to Joint Motion Seeking Leave to Reply to the Prosecution’s Reply to Defence Responses to the Prosecution’s Brief Concerning Issues Raised in the Joint Challenge to Jurisdiction Arising from the Amended Indictment”, 7 June 2002 (“Prosecution’s Response to Defence’s Joint Motion”)

**HEREBY AFFIRM** my Decision of 12 June 2002 and **ORDER** that:

1. The Defence may file an additional joint reply only on the two issues cited in their Motion, namely those raised in paragraphs 8 and 9, in a submission not exceeding five pages; and
2. That such submission must be filed by 4:00pm on 17 June 2002.

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

Done this fourteenth day of June 2002  
At The Hague  
The Netherlands



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Florence Ndepele Mwachande Mumba  
Pre-Trial Judge

**[Seal of the Tribunal]**