



International Tribunal for the  
Prosecution of Persons  
Responsible for Serious Violations of  
International Humanitarian Law  
Committed in the Territory of  
Former Yugoslavia since 1991

Case No. IT-95-13/1-PT  
Date: 28 November 2003  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Carmel Agius, Pre-Trial Judge

**Registrar:** Mr. Hans Holthuis

**Decision of:** 28 November 2003

**PROSECUTOR**

v.

**MILE MRKŠIĆ  
MIROSLAV RADIĆ  
VESELIN ŠLJIVANČANIN**

**ORDER FOR FILING OF MOTIONS AND RELATED  
MATTERS**

**The Office of the Prosecutor:**

Mr. Jan Wubben  
Mr. Mark J. McKeon

**Counsel for the Accused Mile Mrkšić:**

Mr. Miroslav Vasić

**Counsel for the Accused Miroslav Radić:**

Mr. Borivoje Borović  
Ms. Mira Tapušковиć

**Counsel for the Accused Veselin Šljivančanin:**

Mr. Novak Lukić  
Mr. Momčilo Bulatović

**I, Carmel Agius**, 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 (“Tribunal”):

**HAVING BEEN DESIGNATED** Pre-Trial Judge with regard to *The Prosecutor v. Veselin Šljivančanin* by the “Order Appointing a Pre-Trial Judge” issued by Trial Chamber II of the Tribunal on 2 July 2003;

**NOTING** that I am also designated Pre-Trial Judge with regard to *The Prosecutor v. Mile Mrkšić* by the “Order Appointing a Pre-Trial Judge” issued by Trial Chamber II on 16 May 2002, and with regard to *The Prosecutor v. Miroslav Radić* by the “Order Appointing a Pre-Trial Judge” issued by Trial Chamber II on 20 May 2003;

**NOTING** that the cases stem from the same indictment issued by the Prosecutor against the Accused Mile Mrkšić, Miroslav Radić and Veselin Šljivančanin confirmed on 7 November 1995 by Judge Fouad Riad, and are assigned with the same case number IT-95-13/1;

**DESIRING** to regulate the filing of and responses to motions in this case,

**CONSIDERING** the “Order for Filing of Motions and Related Matters” issued by me with regard to *The Prosecutor v. Mile Mrkšić* on 2 September 2002 (“First Order for Filing of Motions”);

**CONSIDERING** further the “Order for Filing of Motions and Related Matters” issued by me with regard to *The Prosecutor v. Mile Mrkšić and Miroslav Radić* on 13 June 2003, which established that the First Order for Filing of Motions applied *mutatis mutandis* in the proceedings against the Accused Miroslav Radić;

**PURSUANT TO** Rule 54 and 65 *ter* of the Rules of Procedure and Evidence of the Tribunal (“Rules”);

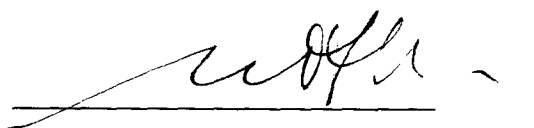
**HEREBY DECIDE** that the First Order for Filing of Motions applies *mutatis mutandis* in the proceedings against the Accused Veselin Šljivančanin, of which the Disposition reads as follows:

1. Subject to the terms of this Order, no written motion may be filed on a “confidential” basis unless the Pre-Trial Judge or another Judge of the Trial Chamber grants leave for it to be so filed. Applications for leave must be made in writing, stating the basis for the application. They may be filed on an *ex parte* basis. The following filings are, however, excluded from the requirement that leave be sought before they may be filed on a “confidential” basis:

- (i) all *ex parte* applications, whatever their nature;

- (ii) all applications that relate to ongoing investigations, pending indictments and sealed indictments;
  - (iii) all *inter partes* applications for witness protection concerning specific persons; and
  - (iv) all responses to confidential motions and all applications that relate to decisions of the Trial Chamber concerning confidential motions or hearings;
2. The party filing a written motion shall include a draft order for relief with each motion submitted to the Trial Chamber;
  3. Unless specifically ordered otherwise, the party receiving a written motion has fourteen calendar days from the date that the motion was filed to file its response, if any;
  4. A party must seek, in writing, and be granted leave to file a reply or a supplement to a previous filing prior to the filing of such further responses. Time limits in which to file such a reply or supplement shall be set by the Trial Chamber;
  5. There will be no oral argument on the motion unless specifically requested by counsel for either party and approved by the Trial Chamber, taking into account the need to ensure a fair and expeditious trial;
  6. If extraordinary circumstances so demand, the parties may address the Trial Chamber directly (*ex parte*), orally or in writing. The other party will be informed of this as soon as practicable, *ex officio*; and
  7. Throughout the proceedings, the accused will enjoy the right to request to be heard in person by the Trial Chamber. Rule 84 *bis* (A) and (B) of the Rules apply correspondingly. This right is granted from the outset whenever a witness has finalised his or her testimony and at the end of a party's presentation of a case, notwithstanding further rights of the accused, as laid down in the Statute and Rules, and notwithstanding other directives of the Trial Chamber if the interests of justice so demand. The right to speak himself is only an option for the accused. It is his own choice whether or not to make use of it in general or from time to time, or to make use of his right to remain silent. However, he should always be aware that whatever he says in the courtroom may be held against him.

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



**Carmel Agius**

Pre-Trial Judge

Dated this twenty-eighth day of November 2003,

At The Hague

The Netherlands

[Seal of the Tribunal]