



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-02-65-PT
Date: 2 November 2004
Original: English

IN A SPECIALLY APPOINTED TRIAL CHAMBER

Before: Judge Alphons Orie, Presiding
Judge O-Gon Kwon
Judge Kevin Parker

Registrar: Mr. Hans Holthuis

Decision: 2 November 2004

PROSECUTOR

v.

**ŽELJKO MEJAKIĆ
MOMČILO GRUBAN
DUŠAN FUŠTAR
DUŠKO KNEŽEVIĆ**

**DECISION ON THE PROSECUTION'S REQUEST FOR LEAVE TO
FILE A REPLY**

The Office of the Prosecutor:

Carla del Ponte
Ann Sutherland

Counsel for the Accused:

Mr. Jovan Simić and Mr. Zoran Živanović for Željko Mejačić
Mr. Branko Lukić for Momčilo Gruban
Mr. Theodore Scudder and Mr. Dragan Ivetić for Dušan Fuštar
Mrs. Slobodanka Nedić for Duško Knežević

Case No.: IT-02-65-PT

2 November 2004

THIS TRIAL CHAMBER (“the 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 (“the Tribunal”);

BEING SEISED of the “Prosecution’s Request for Leave to File a Reply to ‘Confidential Joint Defence Response to the Prosecution’s Motion Under Rule 11 *bis*’” (the “Request”) filed on 26 October 2004;

NOTING the “Motion by the Prosecutor under Rule 11 *bis*,” filed on 2 September 2004 (the “Motion”) and the “Supplementary Motion by the Prosecutor under Rule 11 *bis*” filed on 30 September 2004;

NOTING the “Order Appointing a Trial Chamber for the Purposes of Determining Whether the Indictment Should be Referred to Another Court under Rule 11 *bis*”, filed on 4 October 2004, whereby the President appointed this Trial Chamber to determine whether this case shall be referred to the authorities of Bosnia and Herzegovina pursuant to Rule 11 *bis*;

NOTING the “Order Transferring a Motion pursuant to Rule 11 *bis*” filed on 4 October 2004, whereby the President transferred the Motion to this Trial Chamber;

NOTING the “Joint Defence Response to the Prosecution Motion under Rule 11 *bis*” (the “Reply”) confidentially filed on 18 October 2004;

CONSIDERING that the Prosecution will be given an opportunity to address the matters raised in the Response in the course of the proceedings in relation to the Motion;

FOR THE FOREGOING REASONS,

PURSUANT TO Rule 126 *bis* of the Rules of Procedure and Evidence,

DENIES the Request.

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

Done this Second Day of November 2004,
At The Hague,
The Netherlands



Judge Alphons Orie, Presiding Judge

[Seal of the Tribunal]