



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-01-48-A
Date: 22 September 2006
Original: English

BEFORE THE PRE-APPEAL JUDGE

Before: Judge Mehmet Güney

Registrar: Mr. Hans Holthuis

Decision: 22 September 2006

PROSECUTOR

v.

Sefer HALILOVIĆ

**DECISION ON PROSECUTION'S MOTION FOR
CLARIFICATION OF THE APPEALS CHAMBER'S DECISION
OF 6 SEPTEMBER 2006**

The Office of the Prosecutor:

Mr. Peter M. Kremer
Ms. Christine Dahl

Counsel for the Accused:

Mr. Peter Morrissey
Mr. Guénaél Mettraux

By

I, **MEHMET GÜNEY**, Judge of the Appeals 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 and Pre-Appeal Judge in the present case,

NOTING the “Decision on Prosecution’s Motion to Strike Annexes to The Respondent’s Brief” rendered in this case by the Appeals Chamber on 6 September 2006 (“Decision of 6 September 2006”), in which the Appeals Chamber, *inter alia*, ordered Mr. Sefer Halilović (“Respondent”) to re-file the Respondent’s Brief by no later than 20 September 2006 and ordered the Prosecution (“Appellant”), if it deems necessary to do so, to re-file its Reply Brief by no later than one week from the date of filing of the re-filed Respondent’s Brief (“Re-Filed Respondent’s Brief”);

BEING SEISED OF the “Motion for Clarification of Appeals Chamber’s ‘Decision on Prosecution’s Motion to Strike Annexes to the Respondent’s Brief’” filed by the Appellant on 19 September 2006 (“Motion for Clarification”), in which the Appellant requests that the Appeals Chamber clarify its Decision of 6 September 2006 and order the Respondent to file, together with the Re-Filed Respondent’s Brief, a track changes version of it in order to facilitate the Appellant’s analysis of the changes made so as to determine whether or not it is necessary to re-file the Reply Brief;

NOTING the “Re-Filed Respondent’s Brief on Appeal” and the “Notice Regarding Re-Filed Respondent’s Brief on Appeal” filed by the Respondent on 20 September 2006 (“Respondent’s Notice”);

NOTING the “Response to Prosecution Motion for Use of Track Changes by the Defence” filed by the Respondent on 21 September 2006, in which the Respondent submits, *inter alia*, that the Motion for Clarification is rendered moot by the filing of the Respondent’s Notice and that the Appellant has failed to demonstrate the need for any clarification of the Decision of 6 September 2006;

NOTING “The Prosecution’s Suggestion of Mootness Concerning its Motion for Clarification”, filed by the Appellant on 21 September 2006 (“Suggestion of Mootness”), in which the Appellant suggests that the Respondent’s Notice renders the Motion for Clarification moot and requests leave to withdraw the said Motion;

CONSIDERING that, in this case, the decision to withdraw the Motion for Clarification is a matter for the Appellant;



CONSIDERING that the Suggestion of Mootness can be read as notification of the Appellant's intention to withdraw the Motion for Clarification;

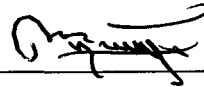
CONSIDERING therefore that the Appellant's requests for clarification and for an order to the Respondent to file a track changes version of the Re-Filed Respondent's Brief are no longer before the Appeals Chamber;

CONSIDERING, in any event, that the Motion for Clarification was not filed in a timely manner;

FOR THE FOREGOING REASONS;

HEREBY NOTE that the Motion for Clarification has been withdrawn by the Appellant and that this motion is accordingly no longer before the Appeals Chamber.

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



Judge Mehmet Güney
Presiding

Dated this 22nd day of September 2006,
At The Hague, The Netherlands.

[Seal of the International Tribunal]