



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-A
Date: 20 August 2008
Original: English

BEFORE THE PRE-APPEAL JUDGE

Before: Judge Theodor Meron, Pre-Appeal Judge

Registrar: Mr. Hans Holthuis

Decision: 20 August 2008

PROSECUTOR

v.

MOMČILO KRAJIŠNIK

PUBLIC

DECISION ON PROSECUTION'S MOTION TO STRIKE

The Office of the Prosecutor:

Mr. Peter Kremer QC

The Appellant *pro se*:

Mr. Momčilo Krajišnik

Counsel for the Appellant on the Matter of JCE:

Mr. Alan M. Dershowitz

Amicus Curiae:

Mr. Colin Nicholls QC

I, THEODOR MERON, 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 (“Appeals Chamber” and “Tribunal”, respectively) and Pre-Appeal Judge in the present case,

BEING SEIZED of the Prosecution’s “Urgent Motion to Strike”, filed on 19 August 2008;

NOTING the Prosecution’s contention that the Appellant’s submission “References from the Krajišnik’s Appeal [*sic*] Against the Trial Judgment Prepared for the Hearing Scheduled 21 August 2008”, filed on 18 August 2008, contains further argumentation, rather than merely references, and therefore should be struck;

NOTING the “Krajišnik [*sic*] Response to Prosecution Urgent Motion to Strike”, filed on 20 August 2008, in which the Appellant argues that his filing of 18 August 2008 provided only appropriate references and merely summarized earlier arguments from his briefs;

CONSIDERING that the Appellant’s submission of 18 August 2008 was, in fact, a courtesy in response to a Prosecution request, namely: “If Counsel intends to make additional specific challenges during the hearing, he is invited to provide the Prosecution with these references in advance so that the Prosecution can provide a response”;¹

CONSIDERING that the Appeals Chamber will view the filing only for the permissible purpose of providing references and will not regard it as a supplemental brief;

HEREBY DENIES the Motion.

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

Dated this 20th day of August 2008,
At The Hague, The Netherlands.



Judge Theodor Meron
Pre-Appeal Judge

[Seal of the Tribunal]

¹ See Prosecution Response to Counsel Motion on Behalf of Krajišnik Dated 6 August 2008, filed on 8 August 2008, para. 3.