

IT-00-39-A
A7053-A7051
26 AUGUST 2008

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**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: IT-00-39-A

Date: 26 August 2008

Original: English

IN THE APPEALS CHAMBER

Before: Judge Fausto Pocar, Presiding
Judge Mohamed Shahabuddeen
Judge Mehmet Güney
Judge Andréia Vaz
Judge Theodor Meron

Registrar: Mr. Hans Holthuis

Order of: 26 August 2008

THE PROSECUTOR

v.

MOMČILO KRAJIŠNIK

Confidential

ORDER ON REBUTTAL MATERIAL

Counsel for the Prosecution:

Mr. Peter Kremer QC

The Appellant:

Mr. Momčilo Krajišnik

Amicus Curiae:

Mr. Colin Nicholls QC

Counsel for the Appellant on the matter of JCE:

Mr. Alan M. Dershowitz

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);

NOTING the “Decision on Appellant Momčilo Krajišnik’s Motion to Present Additional Evidence”, filed confidentially on 20 August 2008, in which the Appeals Chamber granted Momčilo Krajišnik’s (“Appellant”) application to present additional evidence pursuant to Rule 115 of the Rules of Procedure and Evidence (“Rules”) with respect to the confidential statements of George Mano and Stefan Karganović,¹ admitted as Exhibits AD1 and AD2, respectively;²

NOTING that Rule 115 of the Rules provides in relevant part that “[r]ebuttal material may be presented by any party affected by the motion” to present additional evidence before the Appeals Chamber;

NOTING that the Prosecution stated during the appeal hearing on 21 August 2008 that

since the evidence [statements of George Mano and Stefan Karganović] is untested, the Prosecution would like to reserve its right to investigate this matter further with a view of filing rebuttal evidence.³

PURSUANT TO Rules 54, 107 and 115 of the Rules;

ORDERS that the Prosecution presents, if it so wishes, material in rebuttal to the confidential statements of George Mano and Stefan Karganović by 15 September 2008; and

ORDERS that if the Prosecution wishes to present *viva voce* witness evidence as part of any rebuttal material, the number of such *viva voce* witnesses shall be limited to two.

¹ See the Appellant’s “Motion to Present Additional Evidence Pursuant to Rule 115 to the Appeal By Momčilo Krajišnik to the ICTY Judgement of 27 September 2006”, 29 May 2008, para. 69 (referring to document 69-K-0005).

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



Judge Fausto Pocar
Presiding Judge

Dated this twenty-sixth day of August 2008,
At The Hague,
The Netherlands.

[Seal of the Tribunal]

² Internal memorandum of Registry Court Officer (confidential), 21 August 2008.

³ AT. 316 (private session).