



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-04-74-T
Date: 23 September 2008
Original: ENGLISH
French

IN TRIAL CHAMBER III

Before: Judge Jean-Claude Antonetti
Judge Árpád Prandler
Judge Stefan Trechsel
Reserve Judge Antoine Kesia-Mbe Mindua

Registrar: Mr Hans Holthuis

Decision of: 23 September 2008

THE PROSECUTOR

v.

**Jadranko PRLIĆ
Bruno STOJIĆ
Slobodan PRALJAK
Milivoj PETKOVIĆ
Valentin ĆORIĆ
Berislav PUŠIĆ**

PUBLIC

**SECOND DECISION ON THE APPLICATION OF GUIDELINE 9 OF THE
DECISION OF 24 APRIL 2008**

The Office of the Prosecutor:

Mr Kenneth Scott
Mr Douglas Stringer

Counsel for the Accused:

Mr Michael Karnavas and Ms Suzana Tomanović for Jadranko Prlić
Ms Senka Nožica and Mr Karim A. A. Khan for Bruno Stojić
Mr Božidar Kovačić and Ms Nika Pinter for Slobodan Praljak
Ms Vesna Alaburić and Mr Nicholas Stewart for Milivoj Petković
Ms Dijana Tomašegović-Tomić and Mr Dražen Plavec for Valentin Ćorić
Mr Fahrudin Ibrišimović and Mr Roger Sahota for Berislav Pušić

TRIAL CHAMBER III (“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 (“Tribunal”),

SEIZED of Jadranko Prlić’s Notice on Filing Motions Pursuant to Paragraph 35 of the Decision of 24 April 2008, filed by Counsel for the Accused Prlić (“Prlić Defence”) confidentially on 29 August 2008, in which the Prlić Defence requests that the Chamber grant it a period of four to six weeks, counting from the completion of its case, to submit additional documentary evidence (“Request”),

NOTING the Prosecution Response to Jadranko Prlić’s Notice on Filing Motions Pursuant to Paragraph 35 of the Decision of 24 April 2008, filed by the Office of the Prosecutor (“Prosecution”) confidentially on 10 September 2008 in which the Prosecution objects to the Request,

NOTING Jadranko Prlić’s Request for Leave to Reply and Reply to Prosecution Response to Jadranko Prlić’s Notice on Filing Motions Pursuant to Paragraph 35 of the Decision of 24 April 2008, filed by the Prlić Defence publicly on 15 September 2008 (“Request for Leave to Reply”),

NOTING the Decision on Jadranko Prlić’s Motion to be Relieved from the Strict Application of Guideline 9 of the Decision of 24 April 2008, rendered by the Chamber on 23 July 2008, in which the Chamber already ruled on a similar request from the Prlić Defence (“Decision of 23 July 2008”),

CONSIDERING that Counsel for the other Accused in the present case have not filed a response to the Request,

CONSIDERING that neither the Request nor the Response contain information justifying their confidential filing and that the Chamber will thus render both the Request and the Response public,

CONSIDERING that in the Decision of 23 July 2008, the Chamber already denied the Prlić Defence request (1) to be relieved from the strict application of Guideline 9

of the Decision of 24 April 2008,¹ and in particular to be relieved from the requirement to file motions requesting the admission of documentary evidence “promptly” after the end of the presentation of all the evidence in respect of a given municipality or subject, (2) to grant it a reasonable period of time to submit documentary evidence after the close of its case and (3) to authorise it to request the admission of other relevant documentary evidence until the end of the defence case for all the Accused in the present case if good cause is shown,

CONSIDERING that in the Decision of 23 July 2008, the Chamber furthermore requested the Prlić Defence to inform it no later than 1 September 2008 when, as appropriate, it counted on filing written motions pursuant to paragraph 35 of the Decision of 24 April 2008,

CONSIDERING that in the Request, the Prlić Defence argues that it is unable to file written requests during the presentation of its case and renews its request to be relieved from the strict application of this paragraph,

CONSIDERING that the Chamber notes that it already denied such a request in the Decision of 23 July 2008, that the arguments put forward in support of the Request do not merit a reexamination of this decision, and that the Prlić Defence did not provide the information requested in the Decision of 23 July 2008.

CONSIDERING that the Chamber finds it necessary to set a schedule for the filing of motions pursuant to paragraph 35 of the Decision of 24 April 2008 in order to ensure the proper conduct of the trial and avoid any unnecessary delay,

CONSIDERING that it requests the Prlić Defence to propose a schedule no later than 1 October 2008, failing which the Chamber will be obliged to set such a schedule itself,

¹ Decision Adopting Guidelines for the Presentation of Defence Evidence, 24 April 2008 (“Decision of 24 April 2008”).

FOR THE FOREGOING REASONS,

PURSUANT TO Article 20 (1) of the Statute and Rules 54, 89 and 90 (F) of the Rules of Procedure and Evidence,

DENIES the Request for Leave to Reply,

DECIDES to render the Request and the Response public,

DENIES the Request, **AND**

REQUESTS the Prlić Defence to propose a schedule in writing no later than 1 October 2008 indicating when, as appropriate, it counts on filing written motions pursuant to paragraph 35 of the Decision of 24 April 2008.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this twenty-third day of September 2008
At The Hague
The Netherlands

[Seal of the Tribunal]