



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: 17 May 2010
Original: ENGLISH
French

IN TRIAL CHAMBER III

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

Registrar: Mr John Hocking

Order of: 17 May 2010

THE PROSECUTOR

v.

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

PUBLIC

**ORDER REGARDING THE CLOSURE OF THE PRESENTATION OF THE
DEFENCE CASES**

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”),

PROPRIO MOTU,

CONSIDERING that Counsel for the Accused Jadranko Prlić (“Prlić Defence”) closed the presentation of its case on 15 January 2009,¹ that Counsel for the Accused Bruno Stojić (“Stojić Defence”) closed the presentation of its case on 28 April 2009 notwithstanding the possible announcement of the testimony of Witness Momčilo Mandić², that Counsel for the Accused Praljak (“Praljak Defence”) closed the presentation of its case on 13 October 2009,³ that Counsel for the Accused Petković (“Petković Defence”) closed the presentation of its case on 11 March 2010,⁴ and that Counsel for the Accused Valentin Ćorić (“Ćorić Defence”) closed the presentation of its case on 1 April 2010,⁵

NOTING the “Scheduling Order for Filing Requests to Reply Pursuant to Rule 85”, rendered publicly by the Chamber on 21 April 2010,

CONSIDERING that in a Notice dated 7 April 2010,⁶ Counsel for the Accused Berislav Pušić (“Pušić Defence”) stated in particular that it intended not to call any *viva voce* witnesses to appear and not to request the admission of any written statements of witnesses pursuant to Rules 92 *bis*, 92 *ter* and 92 *quater* of the Rules of Procedure and Evidence (“Rules”),⁷

¹ Hearing of 15 January 2009, transcript of hearing in French (“T (F)”), p. 35537.

² Oral decision of 20 April 2009, T (F), pp. 38866-38867; hearing of 28 April 2009, T (F), pp. 39444 and 39445.

³ Hearing of 13 October 2009, the last day of the appearance of the last witness called by the Praljak Defence, T (F), p. 45966. The date the Defence closed the presentation of its case is recalled in the “Decision on Slobodan Praljak’s Motion to Admit Evidence Pursuant to Rule 92 *bis* of the Rules”, rendered confidentially by the Chamber on 16 February 2010 (“92 *bis* Decision”), para. 47 and in the “Decision on Request for a Temporary Adjournment Filed by the Praljak Defence”, 16 April 2010, public, p. 5.

⁴ Hearing of 11 March 2010, T (F), p. 50872.

⁵ Hearing of 1 April 2010, T (F), p. 51752.

⁶ “Berislav Pušić’s Notice Regarding Presentation of Evidence in the Defence Case”, public, 7 April 2010 (“Notice of 7 April 2010”).

⁷ Notice of 7 April 2010, para. 2.

CONSIDERING that in a letter dated 26 April 2010,⁸ the Stojić Defence informed the Chamber that at this stage of the proceedings, and after consultation with the Accused Stojić, it no longer had any intention of calling Witness Momčilo Mandić to testify in the present case,⁹

CONSIDERING that in a Notice dated 13 May 2010,¹⁰ the Pušić Defence informed the Chamber and the parties that it did not intend to file any requests for the admission of documentary evidence pursuant to Rule 89 (C) of the Rules and Guideline No. 9 of the “Decision Adopting Guidelines for the Presentation of Defence Evidence”, rendered on 24 April 2008,¹¹

CONSIDERING that the Chamber notes that all the Defence teams have therefore ended the presentation of their cases even though some requests and decisions for the admission of evidence are currently pending before the Chamber or the Appeals Court,¹²

CONSIDERING, consequently, that the Chamber notes that the stage for the presentation of Defence evidence has closed,

⁸ Letter addressed to the Chamber and copied to the other parties, 26 April 2010.

⁹ *Ibid.*

¹⁰ “Bersilav Pušić’s Notice Regarding Motion for the Admission of Documentary Evidence”, public, 13 May 2010 (“Notice of 13 May 2010”).

¹¹ Notice of 13 May 2010, para. 2. *See* also “Scheduling Order for Pušić Defence to File a Request Pursuant to Guideline 9”, public, 20 April 2010.

¹² The Appeals Chamber still has to rule on the appeal lodged by the Praljak Defence against the 92 *bis* Decision of 16 February 2010 and the “Order on Request of Praljak Defence Seeking a Stay on the Time Limit Ordered by the Chamber for Filing 20 Written Statements or Transcripts of Evidence Pursuant to Rule 92 *bis* of the Rules”, rendered publicly by the Chamber on 17 March 2010.

FOR THE FOREGOING REASONS,

PURSUANT TO Articles 20 and 21 of the Statute of the Tribunal and Rules 54 and 85 of the Rules,

DECLARES the stage for the presentation of Defence evidence closed.

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

/signed/

Judge Jean-Claude Antonetti

Presiding Judge

Done this seventeenth day of May 2010

At The Hague

The Netherlands

[Seal of the Tribunal]