



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: 18 August 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

**Decision of:** 18 August 2010

**THE PROSECUTOR**

v.

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

***PUBLIC***

**DECISION ON PRLIĆ DEFENCE REQUEST TO FILE A REPLY TO THE  
PROSECUTION RESPONSE TO ITS REQUEST FOR CERTIFICATION TO  
APPEAL THE DECISION OF 26 JULY 2010**

**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 Request for Leave to Reply to Prosecution Response to Jadranko Prlić’s Request for Certification to Appeal the *Décision portant sur la demande de la Défense Prlić de (1) clarification sur le lien entre le Juge Prandler et Viktor Andreev et (2) relative à la tenue d’une audience publique, 26 juillet 2010*”, brought publicly by Counsel for the Accused Jadranko Prlić (“Prlić Defence”) on 17 August 2010 (“Request”), whereby the Prlić Defence respectfully requests leave of the Chamber to file a reply to the Prosecution’s response,

**NOTING** the “Decision on Jadranko Prlić’s Request for 1) Clarification of Judge Prandler’s Association with Victor Andreev and 2) Public Hearing”, rendered publicly on 26 July 2010 (“Decision of 26 July 2010”),

**NOTING** the “Corrigendum to the ‘Decision on Jadranko Prlić’s Request for 1) Clarification of Judge Prandler’s Association with Victor Andreev and 2) Public Hearing’”, issued publicly on 30 July 2010,

**NOTING** “Jadranko Prlić’s Request for Certification to Appeal under Rule 73 (B) Against the *Décision portant sur la demande de la Défense Prlić de (1) clarification sur le lien entre le Juge Prandler et Viktor Andreev et (2) relative à la tenue d’une audience publique, 26 juillet 2010*”, filed publicly by the Prlić Defence on 2 August 2010 (“Request”), whereby the Prlić Defence respectfully asks the Chamber to certify the appeal it intends to lodge against the Decision of 26 July 2010,

**NOTING** the “Prosecution Response to Jadranko Prlić’s Request for Certification to Appeal under Rule 73 (B) against the *Décision portant sur la demande de la Défense Prlić de (1) clarification sur le lien entre le Juge Prandler et Viktor Andreev et (2) relative à la tenue d’une audience publique, 26 juillet 2010*”, filed confidentially along with annexes thereto by the Office of the Prosecutor (“Prosecution”) on 16 August 2010 (“Response”),

**NOTING** the “Revised Version of the Decision Adopting Guidelines on the Conduct of Trial Proceedings”, rendered publicly on 28 April 2006 (“Decision of 28 April 2006”),

**CONSIDERING** that, in support of its Request, the Prlić Defence argues that the Prosecution twisted the arguments laid out in its Request and has submitted arguments not germane to the Request,<sup>1</sup>

**CONSIDERING** that the Chamber recalls that Rule 126 *bis* of the Rules of Procedure and Evidence (“Rules”) authorizes the parties to file a reply, with prior leave of the Chamber having jurisdiction, within a deadline of 7 days following the filing of a response; that the Chamber recalls moreover its Decision of 28 April 2006, which provides that replies will only be accepted by the Chamber in exceptional circumstances, which must be expressly stated by the requesting party,<sup>2</sup>

**CONSIDERING** that the Chamber observes that the Prlić Defence has not stated in support of its Request how the circumstances are sufficiently compelling for the Chamber to authorize the filing of a reply; it therefore finds that there is no basis for granting the Request,

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<sup>1</sup> Request, p. 1.

<sup>2</sup> Decision of 28 April 2006, p. 9, para. 9 (p).

**FOR THE FOREGOING REASONS**

**PURSUANT TO** Rule 126*bis* of the Rules,

**DENIES** the Request.

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

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Jean-Claude Antonetti  
Presiding Judge

Done this eighteenth day of August 2010  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**