



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,¹

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,²

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,

¹ Request, p. 1.

² 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.

/signed/

Jean-Claude Antonetti
Presiding Judge

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

[Seal of the Tribunal]