



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: 2 November 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: 2 November 2010

THE PROSECUTOR

v.

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

PUBLIC

**DECISION ON PROSECUTION MOTION FOR AN EXTENSION OF TIME
TO FILE A COMBINED REPLY TO THE REQUESTS OF PRLIĆ, STOJIĆ,
PRALJAK AND PETKOVIĆ DEFENCES TO REOPEN THEIR CASE**

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 the “Prosecution Motion for an Extension of Time to File a Combined Reply to the Defence Requests to Reopen their Cases and Admit Evidence to Rebut the Evidence Tendered Through the Trial Chamber Decision of 6 October 2010”, filed publicly by the Office of the Prosecutor (“Prosecution”) on 29 October 2010 (“Motion”), in which the Prosecution requests that the Chamber grant it an extension of time in order to allow the Prosecution to file a combined reply to the motions to reopen their case filed by Counsel for the Accused Jadranko Prlić (“Prlić Defence”) and Counsel for the Accused Slobodan Praljak (“Praljak Defence”) on 20 October 2010,¹ as well as the motions filed by Counsel for the Accused Bruno Stojić (“Stojić Defence”) and Counsel for the Accused Milivoj Petković (“Petković Defence”) on 21 October 2010,²

NOTING the “Decision on the Prosecution’s Motion to Re-open its Case” rendered publicly by the Chamber on 6 October 2010 (“Decision of 6 October 2010”), by way of which the Chamber notably authorised the reopening of the Prosecution’s case and admitted into evidence eight documents,³

¹ “Jadranko Prlić’s Motion to Rebut the Evidence Admitted by the Trial Chamber in the Decision on the Prosecution’s Motion to Reopen its Case”, with one confidential Annex and filed publicly by the Prlić Defence on 20 October 2010 and “Jadranko Prlić’s Revised Motion to Rebut the Evidence Admitted by the Trial Chamber in the Decision on the Prosecution’s Motion to Reopen its Case”, with two confidential Annexes and filed publicly on 1 November 2010 (together “Prlić Defence Motion”); “Slobodan Praljak’s Motion Pursuant to the 6 October 2010 Decision on the Prosecution’s Motion to Reopen its Case”, with several confidential Annexes and filed publicly by the Praljak Defence on 20 October 2010 and “Corrigendum to Slobodan Praljak’s Motion Pursuant to the 6 October 2010 Decision on the Prosecution’s Motion to Reopen its Case”, with one confidential Annex and filed confidentially on 21 October 2010 (together “Praljak Defence Motion”).

² “Bruno Stojić’s Motion to Admit Evidence in Reopening”, with one public Annex and filed publicly on 21 October 2010 by the Stojić Defence (“Stojić Defence Motion”); “Milivoj Petković’s Motion to Admit Evidence in Reopening”, with two Annexes, one of which confidential (Annex II), and filed publicly by the Petković Defence on 21 October 2010 (“Petković Defence Motion”).

³ Decision of 6 October 2010, p. 28.

NOTING the Prlić Defence Motion, in which the Prlić Defence requests that the Chamber admit 43 documents in “reply”⁴ to the exhibits admitted by way of the Decision of 6 October 2010,⁵

NOTING the Praljak Defence Motion, in which the Praljak Defence requests that the Chamber admit 26 documents and allow the Accused Slobodan Praljak to appear as a *viva voce* witness in reopening its case,⁶

NOTING the Stojić Defence Motion, in which the Stojić Defence requests that the Chamber admit 43 documents in reopening its case,⁷

NOTING the Petković Defence Motion, in which the Petković Defence requests that the Chamber admit 20 documents in reopening its case,⁸

NOTING the “Decision on Bruno Stojić Motion for Certification to Appeal the Decision on the Re-opening of the Prosecution Case and Clarifying the Decision of 6 October 2010”, rendered publicly by the Chamber on 27 October 2010 (“Decision of 27 October 2010”), by way of which the Chamber denied the Stojić Defence Motion for certification to appeal and invited the Defence teams to supplement their motion by refuting the evidence tendered into evidence by the Prosecution in their motions for reopening, within a time limit of seven days running from 27 October 2010,⁹

CONSIDERING that in support of its Motion, the Prosecution submits that it has found, among the various motions presented by the Defence teams, that several of the documents sought for admission are the same but bear different exhibit numbers,¹⁰

CONSIDERING that the Prosecution, moreover, notes that the Defence teams are seeking the admission of some 130 documents,¹¹

CONSIDERING that the Prosecution, in view of the substantial number of documents sought for admission, the difficulties caused by the fact that the same

⁴ According to the Prlić Defence, this motion does not substitute a request for reopening its case: *see* Prlić Defence Motion, p. 1.

⁵ Prlić Defence Motion, p. 1 and confidential Annex I.

⁶ Praljak Defence Motion, para. 7.

⁷ Stojić Defence Motion, para. 1 and p. 11.

⁸ Petković Defence Motion, paras 2 and 17.

⁹ Decision of 27 October 2010, p.10

¹⁰ Motion, para. 5.

documents have been assigned different exhibits numbers and with the aim of presenting a relevant and suitable combined reply, requests that the Chamber grant it a two-day extension in order to file the said reply, namely by 5 November 2010,¹²

CONSIDERING, finally, that the Prosecution notes that a possible extension of time pursuant to Rule 126 *bis* of the “Rules of Procedure and Evidence” (“Rules”) would not delay the proceedings or cause prejudice to the parties,¹³

CONSIDERING, firstly, that the Chamber does not find it necessary to wait for possible responses from the other parties before rendering this decision, taking into consideration the advanced stage of the proceedings and insofar as the extension of time pursuant to Rule 126 *bis* of the Rules, requested by the Prosecution to the Chamber, is relatively short,

CONSIDERING that Rule 126 *bis* of the Rules sets forth that “Unless otherwise ordered by a Chamber either generally or in the particular case, a response, if any, to a motion filed by a party shall be filed within fourteen days of the filing of the motion”,

CONSIDERING that in this case and pursuant to the said Rule, the Prosecution’s response must be filed 1) on 3 November 2010 with regard to the Prlić Defence Motion and the Praljak Defence Motion; 2) on 4 November 2010 with regard to the Stojić Defence Motion and the Petković Defence Motion,

CONSIDERING that the Chamber finds that the Motion is reasonable insofar as the Prosecution only wishes to obtain an extra two days in order to present a combined reply to all the motions presented by the Defence teams and requests that it may file the said response on 5 November 2010,

CONSIDERING that the Chamber finds, moreover, that the extension of time pursuant to Rule 126 *bis* of the Rules will not cause in this case any prejudice with regard to the parties and will not subject the proceedings to an excessive delay,

CONSIDERING that the Chamber recalls, however, that the Decision of 27 October 2010 invited the Defence teams to supplement their motion, if need be, by refuting the

¹¹ Motion, para. 5.

¹² Motion, para. 5.

¹³ Motion, paras 4 and 6.

evidence tendered by the Prosecution in their motions for reopening by 3 November 2010 at the latest,¹⁴

CONSIDERING that the Chamber cannot, therefore, exclude the possibility that some Defence teams might file a supplement to their respective Motions by 3 November 2010,

CONSIDERING that as a consequence, in the interest of justice and in the circumstances of this case, the Chamber decides that it is appropriate to authorise the Prosecution to file a combined reply to the Prlić Defence Motion, the Stojić Defence Motion, the Praljak Defence Motion and the Petković Defence Motion by 8 November 2010 at the very latest,

¹⁴ Decision of 27 October 2010, p. 10.

FOR THE FOREGOING REASONS,

PURSUANT TO Rules 54 and 126 *bis* of the Rules,

GRANTS the Motion,

AND

DECIDES to authorise the Prosecution to file a combined reply to the Motions presented by the Defence teams by 8 November 2010 at the very latest.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this second day of November 2010
At The Hague
The Netherlands

[Seal of the Tribunal]