



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: 5 February 2009
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

Acting Registrar: Mr John Hocking

Decision of: 5 February 2009

THE PROSECUTOR

v.

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

PUBLIC

ORDER ISSUING A WARNING TO THE PROSECUTION

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 Čorić
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 at the hearing of 27 January 2009, the only Office of the Prosecutor (“Prosecution”) representative present left the courtroom before the end of the session without any explanation,¹

CONSIDERING that at the hearing of 28 January 2009, the Prosecution offered no apology and made no attempt to explain its conduct from the previous day,

CONSIDERING that the Chamber will not accept such an attitude which may not only be perceived as offensive to the Chamber and the other parties, but also obstruct the proper conduct of the proceedings,

CONSIDERING that the Chamber recalls that Prosecution representatives must nonetheless “maintain the honour and dignity of their profession”² and that it is incumbent upon all of the parties to be present in court for the entire duration of the hearings,

CONSIDERING that in view of the Prosecution’s conduct during the hearing of 27 January 2009 and the absence of apology offered, by way of Notice or at the hearing of 28 January 2009, the Chamber deems it necessary to issue a warning to the Prosecution,

FOR THESE REASONS,

IN ACCORDANCE WITH Article 20 (1) of the Statute of the Tribunal and Rule 54 of the Rules of Procedure and Evidence,

ISSUES A WARNING to the Prosecution,

¹ Transcript in French, pp. 36099 and 36100.

Presiding Judge Jean-Claude Antonetti appends a separate opinion to this order.

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

/signed/

Jean-Claude Antonetti

Presiding Judge

Done this fifth day of February 2009

At The Hague

The Netherlands

[Seal of the Tribunal]

² Prosecutor's Regulation No. 2 (1999), Standards of Professional Conduct for OTP Prosecutors, para. 2 (b).