



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-00-39-A  
Date: 20 August 2008  
Original: English

**BEFORE THE PRE-APPEAL JUDGE**

**Before:** Judge Theodor Meron, Pre-Appeal Judge

**Registrar:** Mr. Hans Holthuis

**Decision:** 20 August 2008

**PROSECUTOR**

**v.**

**MOMČILO KRAJIŠNIK**

**PUBLIC**

---

**DECISION ON PROSECUTION'S MOTION TO STRIKE**

---

**The Office of the Prosecutor:**

Mr. Peter Kremer QC

**The Appellant *pro se*:**

Mr. Momčilo Krajišnik

**Counsel for the Appellant on the Matter of JCE:**

Mr. Alan M. Dershowitz

***Amicus Curiae:***

Mr. Colin Nicholls QC

**I, THEODOR MERON**, Judge of the Appeals 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 (“Appeals Chamber” and “Tribunal”, respectively) and Pre-Appeal Judge in the present case,

**BEING SEIZED** of the Prosecution’s “Urgent Motion to Strike”, filed on 19 August 2008;

**NOTING** the Prosecution’s contention that the Appellant’s submission “References from the Krajišnik’s Appeal [*sic*] Against the Trial Judgment Prepared for the Hearing Scheduled 21 August 2008”, filed on 18 August 2008, contains further argumentation, rather than merely references, and therefore should be struck;

**NOTING** the “Krajišnik [*sic*] Response to Prosecution Urgent Motion to Strike”, filed on 20 August 2008, in which the Appellant argues that his filing of 18 August 2008 provided only appropriate references and merely summarized earlier arguments from his briefs;

**CONSIDERING** that the Appellant’s submission of 18 August 2008 was, in fact, a courtesy in response to a Prosecution request, namely: “If Counsel intends to make additional specific challenges during the hearing, he is invited to provide the Prosecution with these references in advance so that the Prosecution can provide a response”;<sup>1</sup>

**CONSIDERING** that the Appeals Chamber will view the filing only for the permissible purpose of providing references and will not regard it as a supplemental brief;

**HEREBY DENIES** the Motion.

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

Dated this 20th day of August 2008,  
At The Hague, The Netherlands.



Judge Theodor Meron  
Pre-Appeal Judge

[Seal of the Tribunal]

---

<sup>1</sup> See Prosecution Response to Counsel Motion on Behalf of Krajišnik Dated 6 August 2008, filed on 8 August 2008, para. 3.