



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: 29 March 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: 29 March 2010

THE PROSECUTOR

v.

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

PUBLIC

**DECISION ON THE REQUEST OF THE STOJIĆ DEFENCE FOR
RECONSIDERATION, OR, IN THE ALTERNATIVE, FOR CERTIFICATION
TO APPEAL THE ORDER ADMITTING EVIDENCE RELATING TO THE
TESTIMONY OF SLOBODAN PRALJAK**

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”),

~~SEIZED~~ of the “*Demande de réexamen de l’Ordonnance portant sur l’admission d’éléments de preuve relatifs au témoignage de Slobodan Praljak rendue le 15 février 2010 ou, à défaut, de certification de l’appel envisagé*” brought publicly by Counsel for the Accused Bruno Stojić (“Stojić Defence”) on 9 March 2010 (“Request”),

NOTING the “Order to Admit Evidence Relating to the Testimony of Slobodan Praljak”, rendered publicly on 15 February 2010 (“Order of 15 February 2010”),

NOTING the “Decision Regarding Requests Filed by the Parties for Reconsideration of Decisions by the Chamber”, rendered publicly on 26 March 2009 (“Decision of 26 March 2009”), wherein the Chamber placed restrictions upon the requests for reconsideration filed by the parties and recalled that such requests ought to be the exception rather than become the rule,¹

CONSIDERING that the Prosecution and the other Defence teams did not file a response to the Request,

CONSIDERING that in the Request, the Stojić Defence asks the Chamber to reconsider the Order of 15 February 2010 by which the Chamber notably declined to admit 27 documents tendered by the Stojić Defence or in the alternative to certify an appeal thereon,²

CONSIDERING, firstly, that the Chamber, by virtue of the request for reconsideration of the Order of 15 February 2010, notes that the Stojić Defence has neither put forward for exceptional circumstances nor established that the Chamber has committed manifest error in its reasoning to reject the admission into evidence of exhibits 2D 00197, 2D 00960, 2D 01541, 2D 01542, 2D 01543, 2D 01544, 2D 01545,

¹ “Decision Regarding Requests Filed by the Parties for Reconsideration of Decisions by the Chamber”, public document, 26 March 2009, p. 3.

2D 01546, 2D 01547, 2D 01548, 2D 01549, 2D 01550, 2D 01551, 2D 01552, 2D 01553, 2D 01554, 2D 01555, 2D 01556, 2D 01557, 2D 01558, 2D 01559, 2D 01560, 2D 01561, 2D 03036, 2D 03041, 2D 03042 and 2D 03043; that, through the Request, the Defence has merely questioned the Decision made by the Chamber in the said Order; that the Chamber decides therefore to deny the Request in respect of its first part,

CONSIDERING, secondly, that, in light of the part of the Request regarding the request for certification to appeal the Order of 15 February 2010, the Chamber is convinced of the fairness of the said Order and considers that the Stojić Defence has not established that the subject matter of the Request constitutes an issue likely to substantially compromise the fair and expeditious conduct of the trial or its outcome, and that the immediate resolution of the issue by the Appeals Chamber would materially advance the proceedings,

² “*Demande de réexamen de l’Ordonnance portant sur l’admission d’éléments de preuve relatifs au témoignage de Slobodan Praljak rendue le 15 février 2010 ou, à défaut, de certification de l’appel envisagé*”, public document, 9 March 2010, para. 1.

FOR THE FOREGOING REASONS,

PURSUANT TO Rules 54, 73 (B) and 89 of the Rules of Procedure and Evidence,

DENIES the request for reconsideration of the Order of 15 February 2010 filed by the Stojić Defence for the reasons set forth in this Decision,

AND

DENIES the request for certification to appeal the Order of 15 February 2010 filed by the Stojić Defence, for the reasons set forth in this Decision.

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

/signed/

Jean-Claude Antonetti
Presiding Judge

Done this twenty-ninth day of March 2010
At The Hague
The Netherlands

[Seal of the Tribunal]