



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: 21 April 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: 21 April 2010

THE PROSECUTOR

v.

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

PUBLIC

**DECISION ON THE MOTION OF THE STOJIĆ DEFENCE FOR
RECONSIDERATION OR, IN THE ALTERNATIVE, FOR CERTIFICATION
TO APPEAL THE ORDER ADMITTING EVIDENCE RELATING TO
WITNESS RADMILO JASAK**

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 “Bruno Stojić’s Motion for Reconsideration or, in the Alternative, for Certification to Appeal the ‘*Ordonnance portant admission d’éléments de preuve relatifs au Témoin Radmilo Jasak*’, dated 18 March 2010”, presented publicly by Counsel for the Accused Bruno Stojić (“Stojić Defence”) on 25 March 2010 (“Motion”),

NOTING the “Order to Admit Evidence Regarding Witness Radmilo Jasak”, issued publicly on 18 March 2010 (“Order of 18 March 2010”), whereby the Chamber, notably, denied the motion of the Stojić Defence to admit exhibits 2D 00257 and 2D 03076,

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”) in which the Chamber placed restrictions on the requests for reconsideration filed by the parties and recalled that such requests ought to constitute the exception, rather than become the norm,

CONSIDERING that neither the Office of the Prosecutor nor the other Defence teams have filed a response to the Motion,

CONSIDERING firstly, with regard to that part of the Motion pertaining to the request for reconsideration, that the Chamber notes that the Stojić Defence has neither put forward exceptional circumstances nor established that the Chamber committed discernible error in its reasoning denying the admission into evidence of exhibits 2D 00257 and 2D 03076, thereby rendering it necessary to reconsider the Order of 18 March 2010; that through the Motion the Stojić Defence is simply questioning the decision taken by the Chamber in the said Order; that the Chamber consequently decides to deny the Motion as to this first part,

CONSIDERING secondly, with regard to that part of the Motion pertaining to the request for certification to appeal the Order of 18 March 2010, that the Chamber is persuaded of the reasonable basis of the said order and finds that the Stojić Defence has not established that the sum and substance of the Motion involves an issue that would significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial, and for which an immediate resolution by the Appeals Chamber may materially advance the proceedings,

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 18 March 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 18 March 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-first day of April, 2010
At The Hague
The Netherlands

[Seal of the Tribunal]