



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: 15 June 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

**Registrar:** Mr John Hocking

**Order of:** 15 June 2009

**THE PROSECUTOR**

v.

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

***PUBLIC***

**ORDER ISSUING A WARNING TO MR KARNAVAS**

**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”);

***PROPRIO MOTU***

**NOTING** “Jadranko Prlić’s Motion for Reconsideration of the ‘Decision on Prlić Defence Motion for Admission of Documentary Evidence’”, filed confidentially by Counsel for the Accused Prlić (“Prlić Defence”) on 8 May 2009 (“Motion of 8 May 2009”), in which the Prlić Defence specifically accused the Chamber of being “short-sighted”,<sup>1</sup>

**NOTING** the Chamber’s oral decision of 2 June 2009 in which it requested that Mr Karnavas make, no later than 4 June 2009, his observations with respect to his conduct at the hearings of 26 and 28 May 2009 and the statement contained in the Motion of 8 May 2009,<sup>2</sup>

**NOTING** the Letter of 4 June 2009 to the Chamber transmitted via email by Mr Karnavas, in which Mr Karnavas provided observations about his conduct during the hearings of 26 and 28 May 2009 and the statement contained in the Motion of 8 May 2009 (“Letter of 4 June 2009”),

**CONSIDERING** that in the Motion of 8 May 2009 the Prlić Defence spoke inappropriately and disrespectfully of the Chamber while accusing the Chamber of being short-sighted,<sup>3</sup>

**CONSIDERING** that at the hearing of 26 May 2009, Mr Karnavas, having misunderstood the decision that the Chamber had just rendered, abruptly and vehemently contested this decision which, for that matter, in no way concerned his client, and raised his voice inappropriately and disrespectfully before the Judges and the Chamber,<sup>4</sup>

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<sup>1</sup> Motion of 8 May 2009, para. 12.

<sup>2</sup> Hearing of 2 June 2009, Transcript in French (“T(F)”) pp. 40969 to 40971.

<sup>3</sup> Motion of 8 May 2009, para. 12.

<sup>4</sup> Hearing of 26 May 2009, T(F) p. 40755 (private session).

**CONSIDERING** that at the hearing of 28 May 2009, Mr Karnavas vehemently took the Office of the Prosecutor (“Prosecution”) to task for a minor issue concerning the receipt of email, criticizing the Prosecution for insulting his integrity when, in fact, the Prosecution was merely informing him that it had not received the email in question,<sup>5</sup>

**CONSIDERING** that the Chamber wishes to recall that Mr Karnavas was already disciplined by oral decision of 14 January 2008<sup>6</sup> for using an extremely offensive tone with a witness at the hearing of 9 January 2008, and with one of the Judges at the hearing of 10 January 2008, and that the Chamber consequently refused Mr Karnavas audience from 15 to 21 January 2008,

**CONSIDERING** that the Chamber finds that Mr Karnavas regularly shows a lack of restraint; that he used inappropriate language in the Motion of 8 May 2009; that he engaged in aggressive and inappropriate behaviour before the Chamber at the hearing of 26 May 2009 and that he had an aggressive and unwarranted attitude towards the Prosecution at the hearing of 28 May 2009,

**CONSIDERING** that the Chamber accepts the apologies presented by Mr Karnavas in his Letter of 4 June 2009, but wishes to avoid a recurrence of such conduct,

**CONSIDERING** that the Chamber therefore orders Mr Karnavas to pay particular attention to the tone he uses when speaking in court, and to the language he uses in his written submissions, and deems it necessary to give him one final warning,

**CONSIDERING** that if the Chamber finds itself in a position where it must again warn Mr Karnavas about his attitude, it will be forced to impose a disciplinary sanction provided for in Rule 46 of the Rules of Procedure and Evidence (“Rules”),

**CONSIDERING** furthermore that the Chamber holds that the Letter of 4 June 2009 should be brought to the attention of all of the parties, and orders the Prlić Defence to file it by way of public notice,

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<sup>5</sup> Hearing of 28 May 2009, T(F) p. 40965 (private session)

<sup>6</sup> Hearing of 14 January 2008, T(F) pp. 26157-26159.

**FOR THE FOREGOING REASONS,**

**IN ACCORDANCE** with Rule 46 (A) of the Rules,

**ORDERS** the Prlić Defence to file the Letter of 4 June 2009 publicly,

**AND**

**WARNS** Mr Karnavas for the last time.

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

*/signed/*

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Judge Jean-Claude Antonetti

Presiding Judge

Done this fifteenth day of June 2009

At The Hague

The Netherlands

**[Seal of the Tribunal]**