



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-08-91-T  
Date: 11 April 2012  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Burton Hall, Presiding  
Judge Guy Delvoie  
Judge Frederik Harhoff

**Registrar:** Mr. John Hocking

**Decision of:** 11 April 2012

**PROSECUTOR**

v.

**MIĆO STANIŠIĆ AND STOJAN ŽUPLJANIN**

***PUBLIC***

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**DECISION DENYING THE PROSECUTION'S MOTION FOR RECONSIDERATION  
OR CERTIFICATION OF "DECISION DENYING PROSECUTION'S FIFTH  
MOTION SEEKING LEAVE TO PRESENT EVIDENCE IN REBUTTAL"  
OF 28 MARCH 2012**

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**The Office of the Prosecutor**

Ms. Joanna Korner  
Mr. Thomas Hannis

**Counsel for the Accused**

Mr. Slobodan Zečević and Mr. Slobodan Cvijetić for Mićo Stanišić  
Mr. Dragan Krgović and Mr. Aleksandar Aleksić for Stojan Župljanin

**TRIAL CHAMBER II** (“Trial 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”);

**BEING SEISED OF** the Prosecution’s confidential “Motion for reconsideration or certification of ‘Decision denying Prosecution’s fifth motion seeking leave to present evidence in rebuttal’”, filed on 2 April 2012 (“Motion”);

**RECALLING** that a Chamber has the discretionary power to reconsider its previous decision if a clear error of reasoning has been demonstrated or if particular circumstances justify reconsideration in order to prevent an injustice; and that “particular circumstances” can include new facts or new arguments;<sup>1</sup>

**CONSIDERING** that the Prosecution has not established a clear error of reasoning in the Trial Chamber’s confidential “Decision denying Prosecution’s fifth motion seeking leave to present evidence in rebuttal”, of 28 March 2012 (“Decision of 28 March 2012”), or that there are particular circumstances that justify reconsideration in order to prevent an injustice;

**NOTING** that, in accordance with Rule 73(B) of the Rules of Procedure and Evidence of the Tribunal, a Trial Chamber may grant certification of an interlocutory appeal of a decision if it involves an issue that would significantly affect the fair and expeditious conduct of the proceedings or the outcome of the trial, and for which, in the opinion of the Trial Chamber, an immediate resolution by the Appeals Chamber may materially advance the proceedings;

**CONSIDERING** that the Prosecution has not satisfied the requirements of Rule 73(B) in relation to the Decision of 28 March 2012;

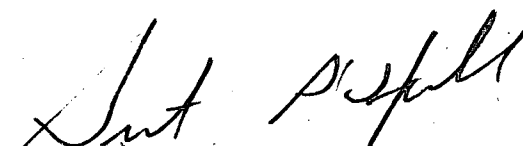
**PURSUANT TO** Rules 54 and 73 of the Rules,

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<sup>1</sup> *Prosecutor v. Jadranko Prlić et al.*, Case No. IT-04-74-AR73.16, Decision on Jadranko Prlić’s Interlocutory Appeal against the Decision on Prlić Defence Motion for reconsideration of the Decision on admission of documentary evidence, 3 November 2009, para. 18; *see also* *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-AR108bis.3, confidential Decision on Request of Serbia and Montenegro for review of Trial Chamber’s Decision of 6 December 2005, 6 April 2006, para. 25, fn. 40 (quoting *Kajelijeli v. Prosecutor*, Case No. ICTR-98-44A-A, Judgement, 23 May 2005, paras 203-204).

**HEREBY DENIES** the Motion.

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



Judge Burton Hall  
Presiding

Dated this eleventh day of April 2012

At The Hague

The Netherlands

**[Seal of the Tribunal]**