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TABLE OF CONTENTS

Table of Contents	5
Preface	11
Part I/ Preliminary Matters	
1. Indictment	
Decision on Motion by the Accused to Dismiss all Charges Against Him (Submission 387) and its Addendum (Submission 391), <i>Prosecutor v. Šešelj</i> , Case No. IT-03-67-T, T. Ch. III, 18 September 2008.. ..	13
Decision on Slobodan Praljak’s Motion for Clarification of the Time Frame of the Alleged Joint Criminal Enterprise, <i>Prosecutor v. Prlić et al.</i> , Case No. IT-04-74-T, T. Ch. III, 15 January 2009... ..	23
Separate Opinion of Judge Antonetti	29
Separate Opinion of Judge Trechsel	31
Decision on Prosecution Motion to Amend the First Amended Indictment, <i>Prosecutor v. Karadžić</i> , Case No. IT-95-5/18-PT, T. Ch. III, 16 February 2009... ..	33
Commentary <i>Tim Vis</i>	44
2. Provisional Release	
Decision on Praljak’s Appeal of the Trial Chamber’s 2 December 2008 Decision on Provisional Release, <i>Prosecutor v. Prlić et al.</i> , Case No. IT-04-74-AR65.11, A. Ch., 16 December 2008.	55
Partly Dissenting Opinion of Judge Güney	61
Reasons for Decision on Prosecution’s Appeal of the Trial Chamber’s 10 December 2008 Decision on Prlić Provisional Release During Winter Recess and Corrigendum, <i>Prosecutor v. Prlić et al.</i> , Case No. IT-04-74-AR65.13, A. Ch., 20 January 2009.	63
Commentary <i>Alberto di Martino</i>	67
Decision on Submissions of the Accused Concerning Legality of the Arrest, <i>Prosecutor v. Tolimir</i> , Case No. IT-05-88/2-PT, T. Ch. II, 18 December 2008.	75
Commentary <i>Alberto di Martino</i>	81
3. Jurisdiction	
Decision on Tolimir’s “Interlocutory Appeal Against the Decision of the Trial Chamber on the Part of the Second Preliminary Motion Concerning the Jurisdiction of the Tribunal”, <i>Prosecutor v. Tolimir</i> , Case No. IT-05-88/2-AR72.1, A. Ch., 25 February 2009... ..	83
Commentary <i>Emily Amick</i>	87

Part 2/ Procedural Matters

4. Evidence

Decision on Petković's and Praljak's Appeals Against the Trial Chamber's Decision Adopting Guidelines for the Presentation of Defence Evidence, <i>Prosecutor v. Prlić et al.</i> , Case No. IT-04-74-AR73.8, A. Ch., 18 July 2008.	91
Decision on Bajrush Morina's Request for a Declaration of Inadmissibility and Exclusion of Evidence, <i>Prosecutor v. Haraqija et al.</i> , Case No. IT-04-84-R77.4, T. Ch. I, 28 August 2008.	97
Decision on the Prosecution's Appeal Against the Trial Chamber's Order to Call Alibi Rebuttal Evidence During the Prosecution's Case in Chief, <i>Prosecutor v. Lukić et al.</i> , Case No. IT-98-32/1-AR73.1, A. Ch., 16 October 2008.	105
Decision on Accused's Second Motion for Inspection and Disclosure: Immunity Issue, <i>Prosecutor v. Karadžić</i> , Case No. IT-95-5/18-PT, T. Ch. III, 17 December 2008.	113
Decision on Jadranko Prlić's Consolidated Interlocutory Appeal Against the Trial Chamber's Orders of 6 and 9 October 2008 on Admission of Evidence, <i>Prosecutor v. Prlić et al.</i> , Case No. IT-04-74-AR73.13, A. Ch., 12 January 2009.	121
Decision on Gvero's Motion for the Admission of Evidence Pursuant to Rule 92 <i>quater</i> , <i>Prosecutor v. Popović et al.</i> , Case No. IT-05-88-T, T. Ch. II, 3 February 2009.	131
Decision on Mrkšić's Second Rule 115 motion, <i>Prosecutor v. Mrkšić</i> , Case No. IT-95-13/1-A, A. Ch., 13 February 2009.	141
Commentary <i>Ana María Torres Chedraui</i>	150

5. Translation

Decision on Slobodan Praljak's Appeal Against the Trial Chamber's Decision of 16 May 2008 on Translation of Documents, <i>Prosecutor v. Prlić et al.</i> , Case No. IT-04-74-AR73.9, A. Ch., 4 September 2008.	161
Decision on Slobodan Praljak's Appeal of the Trial Chamber's 13 October 2008 Order Limiting the Translation of Defence Evidence, <i>Prosecutor v. Prlić et al.</i> , Case No. IT-04-74-AR73.12, A. Ch., 5 December 2008.	169
Commentary <i>Jennifer Easterday</i>	178

6. Witnesses

Decision on Slobodan Praljak's Appeal of the Trial Chamber's Decision on the Direct Examination of Witnesses dated 26 June 2008, <i>Prosecutor v. Prlić et al.</i> , Case No. IT-04-74-AR73.11, A. Ch., 11 September 2008.	183
Decision on Appellant Momčilo Krajišnik's Motion to Call Radovan Karadžić Pursuant to Rule 115, <i>Prosecutor v. Krajišnik</i> , Case No. IT-00-39-A, A. Ch., 16 October 2008.	191
Decision on Protective Measures for Witnesses, <i>Prosecutor v. Karadžić</i> , Case No. IT-95-5/18-PT, T. Ch. III, 30 October 2008.	199
Commentary <i>Joseph William Davids</i>	211

7. Organisation and Expediting Proceedings

Decision on Prosecution Motion Concerning Use of Leading Questions, the Attribution of Time to the Defence Cases, the Time Allowed for Cross-Examination by the Prosecution, and Associated Notice Requirements, <i>Prosecutor v. Prlić et al.</i> , Case No. IT-04-74-T, T. Ch. III, 4 July 2008.	217
Dissenting Opinion of Judge Antonetti.	227
Decision on Stojan Župljanin’s Motion for Joinder, <i>Prosecutor v. Stanišić et al. / Prosecutor v. Karadžić</i> , Case No. IT-08-91-PT and IT-95-5/18-PT, Specially Appointed Chamber, 6 January 2009.	231
Commentary <i>Michele Caianiello</i>	240

8. Counsel and Self-Representation

Decision on Prosecution’s Appeal Against Trial Chamber’s Order on Contact Between the Accused and Counsel During an Accused’s Testimony Pursuant to Rule 85(C), <i>Prosecutor v. Prlić et al.</i> , Case No. IT-04-74-AR73.10, A. Ch., 5 September 2008.	247
Joint Declaration of Judge Shahabuddeen and Judge Vaz	254
Decision on Prosecution’s Appeal Against the Trial Chamber’s Order Regarding the Resumption of Proceedings, <i>Prosecutor v. Šešelj</i> , Case No. IT-03-67-AR73.8, A. Ch., 16 September 2008.	255
Decision on Momčilo Krajišnik’s Motion to Present Additional Evidence and to Call Additional Witnesses Pursuant to Rule 115, and to Reconsider Decision not to Call Former Counsel, <i>Prosecutor v. Krajišnik</i> , Case No. IT-00-39-A, A. Ch., 6 November 2008.	265
Redacted Version of the “Redacted Version of the ‘Decision on Prosecution Motion to Terminate the Accused’s Self-Representation’ Filed Confidentially and <i>Ex Parte</i> on 25 November 2008”, <i>Prosecutor v. Šešelj</i> , Case No. IT-03-67-T, T. Ch. III, 27 November 2008.	273
Decision on Joint Defence Motion to Prohibit Use of Defence Documents by the Prosecution, <i>Prosecutor v. Gotovina et al.</i> , Case No. IT-06-90-T, T. Ch. I, 5 December 2008.	279
Decision on Prosecution Motion for Adjournment, <i>Prosecutor v. Šešelj</i> , Case No. IT-03-67-T, T. Ch. III, 11 February 2009.	285
Dissenting Opinion of Judge Antonetti.	288
Commentary <i>Heather Stevenson</i>	294

9. Contempt and Disciplinary Warning

Redacted Version of the “Decision on Motions by the Prosecution and the Accused to Instigate Contempt Proceedings Against Ms. Dahl (from the Office of the Prosecutor) and Mr. Vučić (Associate of the Accused)” dated 10 June 2008, <i>Prosecutor v. Šešelj</i> , Case No. IT-03-67-T, T. Ch. III, 8 July 2008.	301
Judgement on Allegations of Contempt, <i>Prosecutor v. Haxhiu</i> , Case No. IT-04-84-R77.5, T. Ch. I, 24 July 2008.	313
Judgement on Allegations of Contempt, <i>Prosecutor v. Haraqija et al.</i> , Case No. IT-04-84-R77.4, T. Ch. I, 17 December 2008.	325

Decision on Allegations on Contempt, <i>Prosecutor v. Šešelj</i> , Case No. IT-03-67-R77.2, T. Ch. II, 21 January 2009.....	353
Decision on Urgent Defence Motion Requesting an Order to the <i>Amicus Curiae</i> to Take and Disclose Proposed Witness Statements, <i>The Case against Hartmann</i> , Case No. IT-02-54-R77.5, Specially Appointed Chamber, 29 January 2009.....	359
Joint Decision on Defence Motion for Reconsideration and Defence Motion for Voir-Dire Hearing and Termination of Mandate of the <i>Amicus</i> Prosecutor, <i>The Case against Hartmann</i> , Case No. IT-02-54-R77.5, Specially Appointed Chamber, 29 January 2009.....	363
Reasons for Decision on the Defence Motion for Stay of Proceedings for Abuse of Process, <i>The Case against Hartmann</i> , Case No. IT-02-54-R77.5, Specially Appointed Chamber, 3 February 2009.....	369
Order Issuing a Warning to the Prosecution, <i>Prosecutor v. Prlić et al.</i> , Case No. IT-04-74-T, T. Ch. III, 5 February 2009.....	375
Separate Opinion of Judge Antonetti	377
Commentary <i>Mariam Pathan</i>	380
10. Judicial Notice	
Decision on Motion for Judicial Notice of ICTY Convictions, <i>Prosecutor v. Perišić</i> , Case No. IT-04-81-PT, T. Ch. I, 25 September 2008.....	391
Commentary <i>Adam Wolrich</i>	396
11. Detention Issues	
Decision on Vojislav Šešelj’s Appeal Against the 11 August 2008 Decision of the UNDU’s Acting Commanding Officer, <i>Prosecutor v. Šešelj</i> , Case No. IT-03-67-T, President, 23 October 2008.....	399
Decision on Borovčanin’s Motion for Custodial Visit, <i>Prosecutor v. Popović et al.</i> , Case No. IT-05-88-T, T. Ch. II, 17 December 2008.....	405
Decision on Radovan Karadžić’s Request for Reversal of Denial of Contact with Journalist, <i>Prosecutor v. Karadžić</i> , Case No. IT-95-5/18-PT, Vice-President, 12 February 2009.....	413
Commentary <i>Gerard de Jonge</i>	419
12. Disqualification	
Decision on Motion for Disqualification, <i>The Case against Lukić et al.</i> , Case No. IT-98-32/1-T, Vice-President, 12 January 2009.....	423
Decision on Accused Motion for Adequate Facilities and Equality of Arms: Legal Associates, <i>Prosecutor v. Karadžić</i> , Case No. IT-95-5/18-PT, T. Ch. III, 28 January 2009.....	429
Decision on Motion for Disqualification, <i>Prosecutor v. Hartmann</i> , Case No. IT-02-54-R77.5, President, 18 February 2009.....	439
Commentary <i>Gaetano Best</i>	442

Part 3/ Judgements**13. Judgements**

Judgement, <i>Prosecutor v. Strugar</i> , Case No. IT-01-42-A, A. Ch., 17 July 2008.....	449
Commentary <i>Rebecca Mori</i>	580
Separate Opinion of Judge Shahabuddeen.....	552
Joint Dissenting Opinion of Judges Meron and Kwon.....	559
Judgement, <i>Prosecutor v. Delić</i> , Case No. IT-04-83-T, T. Ch. I, 15 September 2008.....	587
Dissenting Opinion of Judge Moloto.....	713
Commentary <i>Cassandra Steer</i>	729
Judgement, <i>Prosecutor v. Martić</i> , Case No. IT-95-11-A, A. Ch., 8 October 2008.....	739
Separate Opinion of Judge Schomburg.....	828
Commentary <i>Katarina Škrbec</i>	842

Part 4/ Post-Conviction and Acquittal Issues**14. Pardon and Commutation of Sentence**

Decision of the President on the Application for Pardon or Commutation of Sentence of Pavle Strugar, <i>Prosecutor v. Strugar</i> , Case No. IT-01-42-ES, President, 16 January 2009.....	849
Decision of the President on the Application for Pardon or Commutation of Sentence of Vladimir Šantić, <i>Prosecutor v. Kupreškić et al.</i> , Case No. IT-95-16-ES, President, 16 February 2009.....	853
Commentary <i>Denis Abels</i>	857
Index	861
Contributors and Editors	865

PREFACE

This is the thirty-seventh volume in the series “Annotated Leading Cases of International Criminal Tribunals” and contains the most important decisions of the International Criminal Tribunal for the former Yugoslavia (ICTY) from 17 July 2008 up to and including 25 February 2009. It is the nineteenth volume containing decisions of the ICTY.

The present volume is in its approach and structure similar to the previous volumes. Thus, the book contains the full text of all the decisions and judgements, including separate, concurring and dissenting opinions, as well as annexes to the decisions. As with the previous volumes, the editors have ensured that the decisions are fully identical to the *written* original text, as issued by the ICTY Press and Information Office and which bears the signatures of the judges. We are aware that more and more decisions are available on the internet. However, only the written decisions bearing the signatures of the judges can be considered as authoritative versions. In the course of our editorial work on this and previous volumes, we have discovered inconsistencies between the written original version of the decision and the internet version, if the latter is available at all. Much of our editorial efforts consist in making the texts in this series identical to the written original version.

We could only include the full text of the decisions in this volume by reducing their original format. Still, we wanted the reader to be able to identify the page number of the original text, which is throughout the text put in brackets []. We are again very happy that a number of scholars in the field of international criminal law were prepared to write interesting and stimulating commentaries regarding the decisions.

A few words regarding the selection of decisions may give the user insight into our working method. In principle, we select all final judgements. In addition, we publish decisions taken at any stage of the procedure that are important for other reasons: because they deal with a specific legal question, because they are representative of a specific type of decision or because they enter new legal waters. Of course, we cannot publish all decisions. As a result, we may not publish decisions in which issues have been decided in a way similar or identical to a decision that has already been selected.

The decisions are presented in different parts and under different headings.

Part 1, “Preliminary matters”, includes three decisions regarding the indictment under heading 1. Provisional release is the subject of heading 2, while the decision under heading 3 concerns the jurisdiction of the tribunal.

Part 2 deals with procedural matters. The seven decisions included under heading 4 regard the admissibility and presentation of evidence. Heading 5 contains two decisions on the translation of documents. Under heading 6, three decisions on issues regarding witnesses are included. The two decisions under heading 7 deal with the organisation and expedition of the proceedings, while counsel and self-representation are the subjects of heading 8. Under heading 9, the reader will find decisions relating to contempt and disciplinary warnings. A decision regarding judicial notice has been incorporated under heading 10. Heading 11 contains decisions on detention issues and disqualification is the subject of heading 12.

Part 3, “Judgements”, contains three judgements. As mentioned above, judgements are by definition included in this series, because of their importance, both from a factual and legal perspective.

Part 4 deals with post-conviction and acquittal issues and consists of two decisions regarding pardon and commutation of the sentence (14).

We owe acknowledgements to many people without whom we could not have completed this thirty-seventh volume. These include the Press and Information Office of the ICTY, which offered generous assistance in obtaining all the hard copies of decisions. Our publisher Intersentia, in particular Hans Kluwer, Tom Scheirs and Isabelle van Dongen, facilitated our work. We also acknowledge the work of our student assistants, Anzinga Low (Maastricht) and Jeroen Gunning (Amsterdam), who assisted with the corrections of the text and without whom we would not be able to publish this series. The Netherlands School of Human Rights Research stimulated our work. Steven Freeland from the University of Western Sydney, Australia, offered

tremendous help by correcting our English. Last but not least, we wish to thank the distinguished authors of for their commentaries on the decisions.

We hope that this volume will contribute to the further dissemination of the important work of the ICTY and that it will provide access to its decisions to practitioners, academics and students.

André Klip and Göran Sluiter

Maastricht/ Amsterdam, June 2013