

Annotated Leading Cases of International Criminal Tribunals

The International Criminal Tribunal for the former Yugoslavia 2004

André Klip and Göran Sluiter (eds.)



TABLE OF CONTENTS

Table of Contents
Preface
Part \i Preliminary matters
1. Jurisdiction
Decision on the Interlocutory Appeal Concerning Jurisdiction, <i>Prosecutor v. Seselj</i> , Case No. IT-03-67-AR72.1, A. Ch.,31 August2004
Commentary Fabian Raimondo
2. Provisional release
Order on Provisional Release of Jadranko Prlic, <i>Prosecutor v. Prlic, Stojic, Praljak, Petkovic, Coric and Pusic</i> , Case No. IT-04-74-PT, T. Ch. I, 30 July 2004
Decision on Motions for Re-Consideration, Clarification, Request for Release and Applications for Leave to Appeal, <i>Prosecutor</i> v. <i>Prlic, Stojic, Praljak, Petkovic, Coric andPusic</i> , Cases No. IT-04-74-AR65.1, IT-04-74-AR65.2 and IT-04-74-AR65.3, A. Ch., 8 September 2004
Decision on Interlocutory Appeals From Decision of Trial Chamber to Stay Provisional Release, <i>Prosecutor</i> v. <i>Stanisic and Simatovic</i> , Case No. IT-03-69-AR73, A. Ch., 29 September 2004
Decision on Interlocutory Appeal Against Trial Chamber's Decision Denying Provisional Release, Prosecutor v. Cermak and Markac, Case No. IT-03-73-AR65.1, A. Ch., 2 December 2004
Decision on Prosecution's Appeal Against Decision on Provisional Release, <i>Prosecutor</i> v. <i>Simatovic</i> , Case No. IT-03-69-AR65.2, A. Ch., 3 December 2004
Commentary Zsuzsanna Deen-Racsmány andErik Kok
Part 2/ Procedural matters
3. Relation to other subjects of international law
Order to the Republika Srpska for the Production of Documents, <i>Prosecutor v. Mladic</i> , Case No. IT-95-5/18-1. Judge Orie, 1 September 2004
Decision on the Accused's Requests for an Advisory Opinion of the International Court of Justice, <i>Prosecutor</i> v. <i>Seselj</i> , Case No. IT-03-67-PT, T. Ch. II, 15 December 2004
Commentary Wouter Werner
4. Evidence
Decision to Unseal Confidential Decision on the Admissibility of Certain Challenged Documents and Documents for Identification, <i>Prosecutor</i> v. <i>Hadzihasanovic andKubura</i> , Case No. IT-01-47, T. Ch. II, 2 August 2004.

Decision on the Admissibility of Certain Challenged Documents and Documents for Identification, Prosecutor v. Hadzihasanovic and Kubura, Case No. IT-01-47-T, T. Ch. II, 2 August 2004
Order Concerning Guidelines on Evidence and the Conduct of Parties During Trial Proceedings, <i>Prosecutor v. One</i> , Case No. IT-03-68-T, T. Ch. II, 21 October 2004
Decision on Motion to Admit Additional Evidence, <i>Prosecutor v. Nikolic</i> , Case No. IT-02-60/1-A, A. Ch., 9 December 2004
Decision on Defence Motion Regarding Cross-Examination of Witnesses by the Prosecution, <i>Prosecutor v. Hadzihasanovic and Kubura</i> , Case No. IT-01-47-T, T. Ch. II, 9 December 2004
Decision on Defence Motion on Prosecution Practice of "Proofing" Witnesses, <i>Prosecutor</i> v. <i>Limaj</i> , <i>Bala and</i> Ate//w, Case No. IT-03-66-T, T. Ch. II, 10 December 2004
Commentary Celso Eduardo Faria Coracini
5. Counsel and preparation of defence
Final Assessment of the Accused Ability to Remunerate Counsel, <i>Prosecutor v. Milutinovic</i> , <i>Ojdanic and Sainovic</i> , Case No. IT-99-37-PT, Registrar, 23 June 2004
Decision on Defence's Motion for Review of Registrar's Decision not to Rank the Case to Level III Complexity. <i>Prosecutor v. Martic</i> , Case No. 1T-95-11-PT, T. Ch. 1, 1 July 2004
Decision on Defence Motion for Adjournment (Written Reasons), <i>Prosecutor v. Krajisnik</i> , Case No. IT-00-39-T, T. Ch. 1, 21 September 2004
Reasons for Decision on Assignment of Defence Counsel, <i>Prosecutor</i> v. <i>Milosevic</i> , Case No. IT-02-54-T, T. Ch. III, 22 September 2004
Decision on Appeal by the Prosecution to Resolve Conflict of Interest Regarding Attorney Jovan Simic, <i>Prosecutor</i> v. <i>Mejakic, Gruban, Fustar, Knezevic,</i> Case No. IT-02-65-AR73.1, A. Ch., 6 October 2004
Decision on Interlocutory Appeal of the Trial Chamber's Decision on the Assignment of Defense Counsel, <i>Prosecutor v. Milosevic</i> , Case No. IT-02-54-AR73.7, A. Ch., 1 November 2004
Decision on Assigned Counsel's Motion for Withdrawal, <i>Prosecutor v. Milosevic</i> , Case No. IT-02-54-T, T. Ch. III, 7 December 2004
Commentary Michael Moesenthin
Part 3/ Judgement and sentencing
6. Judgements on motion for acquittal Decision on Defence Motion Requesting Judgement of Acquittal Pursuant to Rule 9&bis, Prosecutor v. Strugar, Case No. IT-01-42-T, T. Ch. II, 21 June 2004
Decision on Motions for Acquittal Pursuant to Rule 98te of the Rules of Procedure and Evidence, Prosecutor v. Hadzihasanovic and Kubura, Case No. IT-01-47-T, T. Ch. II, 27 September 2004 251
Commentary Christopher Rassi

7. Judgements
Judgement, Prosecutor v. Blaskic, Case No. IT-95-14-A, A. Ch., 29 July 2004.295Separate Opinion of Judge Schomburg469Partial Dissenting Opinion of Judge Weinberg de Roca470
Commentary Dawn Rothe
Judgement, Prosecutor v. Brdanin, Case No. IT-99-36-T, T. Ch. II, 1 September 2004
Commentary Dimcho Dimov and Paul de Herí
8. Sentencing judgement
Sentencing Judgement, <i>Prosecutor</i> v. <i>Babic</i> , Case No. IT-03-72-S, T. Ch. I, 29 June 2004
Commentary Gentian Zyberi
Part 4/ Post conviction or acquittal issues
9. Early release
Decision of the President on the Application for Pardon or Commutation of Sentence of Miroslav Tadic, <i>Prosecutor</i> v. <i>Simic, Tadic and Zaric,</i> Case No. IT-95-9, Pres., 3 November 2004
Commentary Goran Sluiter
Index
Contributors and Editors 840