



V O L U M E 48

Annotated Leading Cases of International Criminal Tribunals

The International
Criminal Tribunal for
the former Yugoslavia
2009

André Klip and Steven Freeland (eds.)
Anzinga Low (assistant editor)



intersentia

TABLE OF CONTENTS

Table of Contents	5
Preface	7
<u>Part I—Disclosure and Admission of Evidence</u>	
Decision of Prlić Defence Motion for Admission of Documentary Evidence, <i>Prosecutor v. Prlić et al.</i> , Case No. IT-04-74-T, T. Ch. III, 6 March 2009.	9
Decision on Admission of Evidence Presented During Testimony of Aleksandar Stefanović, <i>Prosecutor v. Šešelj</i> , Case No. IT-03-67-T, T. Ch. III, 12 March 2009.	57
Decision on Appellant Radovan Karadžić’s Appeal Concerning Holbrooke Disclosure Agreement, <i>Prosecutor v. Karadžić</i> , Case No. IT-95-5/18-AR73.1, A. Ch., 6 April 2009.	65
Decision on Disclosure of Videos to the Accused, <i>Prosecutor v. Šešelj</i> , Case No. IT-03-67-T, T. Ch. III, 12 May 2009.	71
Decision on Request for Admission of Selected Portions of Zoran Tot’s Evidence pursuant to Rule 92 quarter, <i>Prosecutor v. Šešelj</i> , Case No. IT-03-67-T, T. Ch. III, 3 June 2009.	77
Decision on Motion for Access to Confidential Materials in Completed Cases, <i>Prosecutor v. Karadžić</i> , Case No. IT-95-5/18-PT, T. Ch., 5 June 2009.	83
Decision on the Stojić Defence Motion for the Admission of Documentary Evidence (Cooperation between the Authorities and the Armed Forces of Herceg-Bosna and the Authorities and the Armed Forces of the ABiH), <i>Prosecutor v. Prlić et al.</i> , Case No. IT-04-74-T, T. Ch. III, 21 July 2009.	97
Dissenting Opinion of Judge Antonetti	105
Commentary <i>Bridget Kennedy</i>	110
<u>Part II—Provisional Release</u>	
Decision on the Accused Prlić’s Motion for Provisional Release, <i>Prosecutor v. Prlić et al.</i> , Case No. IT-04-74-T, T. Ch. III, 9 April 2009.	121
Redacted Version of “Decision on Slobodan Praljak’s Motion for Provisional Release (2009 Summer Judicial Recess)” of 18 May 2009, <i>Prosecutor v. Prlić et al.</i> , Case No. IT-04-74-T, T. Ch. III, 25 May 2009.	131
Commentary <i>Karin Traummüller</i>	138
<u>Part III—Various Procedural Matters</u>	
Decision on Prlić Defence Request for Certification to Appeal the Decision of 12 February 2009 Regarding Supplement to the Accused Prlić’s Rule 84 bis Statement, <i>Prosecutor v. Prlić et al.</i> , Case No. IT-04-74-T, T. Ch. III, 4 March 2009.	143
Separate Opinion of Judge Antonetti	147
Decision on a Stojić Defence Request Regarding References to Confidential Decisions Rendered by Other Chambers, <i>Prosecutor v. Prlić et al.</i> , Case No. IT-04-74-T, T. Ch. III, 23 March 2009.	151
Decision Regarding Requests Filed by the Parties for Reconsideration of Decisions by the Chamber, <i>Prosecutor v. Prlić et al.</i> , Case No. IT-04-74-T, T. Ch. III, 26 March 2009.	155
Decision on Motion of Milivoj Petković for New Guidelines, <i>Prosecutor v. Prlić et al.</i> , Case No. IT-04-74-T, T. Ch. III, 1 April 2009.	159

Separate Opinion of Judge Antonetti	169
Decision on Financing of Accused's Defence, <i>Prosecutor v. Šešelj</i> , Case No. IT-03-67-T, T. Ch. III, 23 April 2009	173
Decision on Praljak Defence Notice Concerning Opening Statements under Rules 84 and 84 bis, <i>Prosecutor v. Prlić et al.</i> , Case No. IT-04-74-T, T. Ch. III, 27 April 2009	181
Decision on <i>amicus curiae</i> Motion seeking Variance of Protective Measures pursuant to Rule 75, <i>Prosecutor v. Šešelj</i> , Case No. IT-03-67-T, T. Ch. III, 6 May 2009	189
Separate Opinion of Judge Antonetti	192
Decision on Prlić Defence Motion to Reopen its Case, <i>Prosecutor v. Prlić et al.</i> , Case No. IT-04-74-T, T. Ch. III, 3 July 2009	193
Commentary <i>Kerstin Brce Carlson</i>	198
<u>Part IV—Judgements</u>	
Judgement, <i>Prosecutor v. Krajišnik</i> , Case No. IT-00-39-A, A. Ch., 17 March 2009	203
Separate Opinion of Judge Shahabuddeen	404
Commentary <i>Manuel Ventura</i>	438
Judgement, <i>Prosecutor v. Mrkšić and Šljivančanin</i> , Case No. IT-95-13/1-A, A. Ch., 5 May 2009	451
Partially Dissenting Opinion of Judge Pocar	571
Partially Dissenting Opinion of Judge Vaz	576
Commentary <i>Håkan Friman</i>	592
Judgement, <i>Prosecutor v. Lukić and Lukić</i> , Case No. IT-98-32-1-T, T. Ch. III, 20 July 2009	603
Separate Opinion of Judge Robinson	834
Separate Opinion of Judge Robinson	834
Partly Dissenting Opinion of Judge van den Wyngaert	834
Partly Dissenting Opinion of Judge David	838
Commentary <i>Caroline Fournet</i>	851
Contributors and Editors	861