



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: 5 February 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

**Acting Registrar:** Mr John Hocking

**Decision of:** 5 February 2009

**THE PROSECUTOR**

v.

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

***PUBLIC***

**ORDER ISSUING A WARNING TO THE PROSECUTION**

**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***

**CONSIDERING** that at the hearing of 27 January 2009, the only Office of the Prosecutor (“Prosecution”) representative present left the courtroom before the end of the session without any explanation,<sup>1</sup>

**CONSIDERING** that at the hearing of 28 January 2009, the Prosecution offered no apology and made no attempt to explain its conduct from the previous day,

**CONSIDERING** that the Chamber will not accept such an attitude which may not only be perceived as offensive to the Chamber and the other parties, but also obstruct the proper conduct of the proceedings,

**CONSIDERING** that the Chamber recalls that Prosecution representatives must nonetheless “maintain the honour and dignity of their profession”<sup>2</sup> and that it is incumbent upon all of the parties to be present in court for the entire duration of the hearings,

**CONSIDERING** that in view of the Prosecution’s conduct during the hearing of 27 January 2009 and the absence of apology offered, by way of Notice or at the hearing of 28 January 2009, the Chamber deems it necessary to issue a warning to the Prosecution,

**FOR THESE REASONS,**

**IN ACCORDANCE WITH** Article 20 (1) of the Statute of the Tribunal and Rule 54 of the Rules of Procedure and Evidence,

**ISSUES A WARNING** to the Prosecution,

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<sup>1</sup> Transcript in French, pp. 36099 and 36100.

Presiding Judge Jean-Claude Antonetti appends a separate opinion to this order.

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

*/signed/*

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Jean-Claude Antonetti

Presiding Judge

Done this fifth day of February 2009

At The Hague

The Netherlands

**[Seal of the Tribunal]**

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<sup>2</sup> Prosecutor's Regulation No. 2 (1999), Standards of Professional Conduct for OTP Prosecutors, para. 2 (b).