



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-A  
Date: 7 October 2013  
Original: English

**THE PRESIDENT OF THE TRIBUNAL**

**Before:** Judge Theodor Meron, President

**Registrar:** Mr. John Hocking

**Decision of:** 7 October 2013

**PROSECUTOR**

v.

**JADRANKO PRLIĆ  
BRUNO STOJIĆ  
SLOBODAN PRALJAK  
MILIVOJ PETKOVIĆ  
VALENTIN ĆORIĆ  
BERISLAV PUŠIĆ**

***PUBLIC***

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**DECISION ON SLOBODAN PRALJAK'S  
REQUEST FOR FURTHER REVIEW**

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**Counsel for the Accused:**

Ms. Nika Pinter  
Ms. Natacha Fauveau Ivanović

**I, THEODOR MERON**, President 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** a confidential and *ex parte* request filed by Slobodan Praljak (“Praljak”) on 12 September 2013 (“Request”),<sup>1</sup> in which Praljak asks: (i) that I review the confidential and *ex parte* “Decision on Slobodan Praljak’s Motion for Review of the Registrar’s Decision on Means” that was issued on 25 July 2013 (“Impugned Decision”) (“First Request”);<sup>2</sup> and (ii) lift the confidential and *ex parte* status of the “Decision on Slobodan Praljak’s Motion for Provisional Release”, rendered by Trial Chamber III of the Tribunal on 12 September 2012 (“Decision on Provisional Release”), with confidential and *ex parte* Annex, given that the reasons for maintaining its confidential and *ex parte* status “are no longer valid” (“Second Request”);<sup>3</sup>

**NOTING** that Praljak submits with respect to the First Request that I did not consider the arguments he put forth in his underlying motion challenging the Registrar’s Decision that was issued on 22 August 2012 (“Decision on Means”),<sup>4</sup> rejects the “highest probability” standard employed in the Impugned Decision when assessing the Decision on Means, and avers that he was presumed guilty before the indictment against him was issued;<sup>5</sup>

**CONSIDERING** that Article 26 of the Statute of the Tribunal (“Statute”) and Rule 119 of the Rules of Procedure and Evidence of the Tribunal (“Rules”) permit review of a final judgement, or of a decision which terminates the proceedings;<sup>6</sup>

**RECALLING** that a “new fact” within the meaning of Article 26 of the Statute and Rule 119 of the Rules pertains to “new information of an evidentiary nature of a fact that was not in issue during the trial or appeal proceedings”,<sup>7</sup> which “if proved, is such that to ignore it would lead to a miscarriage of justice”;<sup>8</sup>

<sup>1</sup> The Registrar did not file a response.

<sup>2</sup> A public redacted version was filed on 28 August 2013.

<sup>3</sup> Request, p. 4. Praljak further submits that it “is in the interest of all detainees that the *ex parte* status be lifted”. See Request, p. 4.

<sup>4</sup> See *Prosecutor v. Slobodan Praljak*, Case No. IT-04-74-T, Decision (public, with confidential and *ex parte* Annex I and public Annex II), 22 August 2012 (“Decision on Means”).

<sup>5</sup> Request, pp. 1-2.

<sup>6</sup> See *Prosecutor v. Miroslav Kvočka et al.*, Case No. IT-98-30/1-A, Decision on Further Request for Review by Zoran Žigić, 11 March 2003 (“*Kvočka et al.* Decision”), para. 5.

<sup>7</sup> See *Prosecutor v. Veselin Šljivančanin*, Case No. IT-95-13/1-R.1, Decision with respect to Veselin Šljivančanin’s Application for Review, 14 July 2010 (“*Šljivančanin* Decision”), p. 2.

<sup>8</sup> *Šljivančanin* Decision, p. 4 (emphasis omitted).

**CONSIDERING** that Praljak has not adduced a new fact that was not considered in the Impugned Decision;<sup>9</sup>

**RECALLING** that, “reconsideration is permitted where, *inter alia*, the impugned decision presents a clear error of reasoning or particular circumstances justify its reconsideration in order to avoid an injustice”;<sup>10</sup>

**CONSIDERING** that, even if the Request were treated as a motion for reconsideration, Praljak fails to identify a clear error of reasoning in the Impugned Decision or the existence of circumstances that justify reconsideration in order to prevent an injustice, as he merely repeats previously rejected arguments;<sup>11</sup>

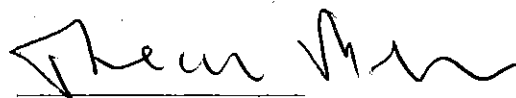
**NOTING** that the Appeals Chamber of the Tribunal is currently seised of the case of *Prosecutor v. Prlić et al.*, Case No. IT-04-74-A (“*Prlić et al.* case”);<sup>12</sup>

**FINDING**, accordingly, that the Second Request should have been filed before the Appeals Chamber seised of the *Prlić et al.* case;

**HEREBY DENY** the Request in its entirety.

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

Done this 7th day of October 2013,  
At The Hague,  
The Netherlands.

  
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Judge Theodor Meron  
President

[Seal of the Tribunal]

<sup>9</sup> See generally Request, pp. 1-3.

<sup>10</sup> See *Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/I-A, Decision on Motion for Reconsideration, 12 July 2012, p. 1. See also *Kvočka et al.* Decision, para. 6.

<sup>11</sup> See generally Request, pp. 1-3.

<sup>12</sup> See Order Assigning Judges to a Case Before the Appeals Chamber, 19 June 2013.