



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-02-54-AR73

Date: 25 April 2002

Original: English
French

A BENCH OF THE APPEALS CHAMBER

Before: Judge Claude Jorda, presiding
Judge Hunt
Judge Pocar

Registrar: Mr. Hans Holthuis

Decision of: 25 April 2002

THE PROSECUTOR

v.

SLOBODAN MILOŠEVIĆ

**DECISION ON THE PROSECUTION APPLICATION FOR
LEAVE TO FILE AN INTERLOCUTORY APPEAL**

The Office of the Prosecutor:

Mrs. Carla Del Ponte
Mr. Geoffrey Nice
Mr. Norman Farrell
Ms. Peggy Kuo

Amici curiae:

Mr. Steven Kay
Mr. Branislav Tapušković
Mr. Michail Wladimiroff

The Accused:

Slobodan Milošević

I, Claude Jorda, 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 (hereinafter "the International Tribunal");

NOTING the oral Decision of Trial Chamber III of 10 April 2002 (hereinafter "the Decision");

NOTING the Prosecution's Application for Leave to File an Interlocutory Appeal dated 16 April 2002 (hereinafter "the Application");

NOTING the *amici curiae's* Response to the Application on 19 April 2002;

NOTING the Prosecutor's Reply of 23 April 2002 to the *amici curiae's* Response to the Application;

PURSUANT to Rules 73, 73 *bis* and 90 of the Rules of Procedure and Evidence of the International Tribunal (hereinafter "the Rules");

CONSIDERING that Trial Chamber III ordered the Prosecutor to conclude her case within a time-limit of twelve months as of 10 April 2002, the date of the Decision;

CONSIDERING that, pursuant to Rule 73(D) of the Rules, the Prosecutor is requesting that a bench of the Appeals Chamber grant leave to appeal against the Decision;

CONSIDERING that, contrary to the Prosecutor's argument, the Decision relates to issues involving the administration of evidence and procedure within the meaning of Rule 73(B) of the Rules;

CONSIDERING that an interlocutory appeal may not be brought against the Decision unless the Trial Chamber has "certif[ied] that an interlocutory appeal [...] is appropriate for the continuation of the trial" in accordance with Rule 73(C) of the Rules;

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CONSIDERING that the Prosecutor did not request the Trial Chamber to certify the appropriateness of an interlocutory appeal on the question of limiting the time she has to present her case;

CONSIDERING that even if Rule 73(D) of the Rules were applicable in this case, the conditions for its application would not, in any event, be satisfied;

FOR THE FOREGOING REASONS,

REJECT the Application.

The grounds for this Decision will be duly presented at a later date.

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

Done this twenty-fifth day of April 2002
At The Hague
The Netherlands

(signed)

Claude Jorda
President

[Seal of the Tribunal]