

IT-02-60-AR73.2  
A38 - A36  
28 FEBRUARY 2003

IT-02-60-AR73  
A18 - A16  
28 FEBRUARY 2003

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UNITED  
NATIONS



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: IT-02-60-AR73,  
IT-02-60-AR73.2  
IT-02-60-AR73.3

Date: 28 February 2003

Original: English

**IN THE APPEALS CHAMBER**

**Before:** Judge Fausto Pocar, Presiding  
Judge Mohamed Shahabuddeen  
Judge Mehmet Güney  
Judge Asoka de Zoysa Gunawardana  
Judge Theodor Meron

**Registrar:** Mr Hans Holthuis

**Order of:** 28 February 2003

**PROSECUTOR**

v

**Vidoje BLAGOJEVIĆ  
Dragan JOKIĆ  
Momir NIKOLIĆ**

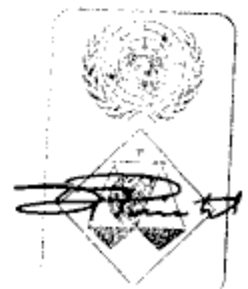
**ORDER**

**Counsel for the Prosecutor:**

**Mr. Peter McCloskey**

**Counsel for the Appellants:**

**Mr. Michael Karnavas and Ms Suzana Tomanović, for Vidoje Blagojević  
Mr. Miodrag Stojanović and Ms Cynthia Sinatra for Dragan Jokić  
Mr. Veselin Londrović and Mr. Stefan Kirsch, for Momir Nikolić**



**THE APPEALS 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,

**BEING SEIZED OF** “Defendant Nikolić’s Appeal of the Trial Chamber’s Decision on Joint Defence Motions for Reconsideration of Trial Chamber’s Decision to Review all Discovery Materials Provided to the Accused by the Prosecution”, filed by Appellant Nikolić on 14 February 2003;

**BEING SEIZED OF** “Interlocutory Appeal of Dragan Jokić Pursuant to Certification under Rule 73 (B) and (C) against Decision on Joint Defence Motions for Reconsideration of Trial Chamber’s Decision to Review all Discovery Materials Provided to the Accused by the Prosecution”, filed by Appellant Jokić on 17 February 2003;

**BEING SEIZED OF** “Vidoje Blagojević’s Interlocutory Appeal of Trial Chamber’s Decision on Joint Defence Motions for Reconsideration of Trial Chamber’s Decision to Review all Discovery Materials Provided to the Accused by the Prosecution, and Request for Stay of Execution of Decision”, filed by Appellant Blagojević on 18 February 2003;

**NOTING** the Trial Chamber’s “Decision on Joint Defence Motions for Reconsideration of Trial Chamber’s Decision to Review all Discovery Materials Provided to the Accused by the Prosecution”, filed on 21 January 2003 (“Impugned Decision”);

**NOTING** the “Ordonnance du président portant nomination de juges à la chambre d’appel”, filed on 27 February 2003;

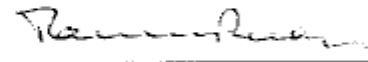
**NOTING** the “Prosecution Request for Leave to File Consolidated Response to Interlocutory Appeals by Accused Jokić, Blagojević and Nikolić”, filed by the Prosecution on 21 February 2003 (“Prosecution Request”), in which the Prosecution submits that because the appeal filed by Appellant Nikolić subsumes a critical issue raised by Appellants Jokić and Blagojević in their appeals, a consolidated response to the three appeals is appropriate and will facilitate the Appeals Chamber’s consideration of the issues, and that it needs until 28 February 2003 to file the consolidated response;

**HEREBY GRANTS** the Prosecution Request and **REMINDS** the Appellants, in pursuance of the Practice Direction on Procedure for the Filings of Written Submissions in Appeal Proceedings before the International Tribunal, IT155/Rev.1, 7 March 2002, to file their replies within four days of the filing of the consolidated response of the Prosecution;

**NOTING** further that Appellants Jokić and Blagojević both ask for a stay of the Impugned Decision of the Trial Chamber, to the extent that it orders that the Prosecution deliver to the Trial Chamber the following materials as soon as practicable, but not later than 3 February 2003: 1) copies of all witness statements whom the Prosecution intends to call for trial; and 2) copies of all exhibits the Prosecution intends to tender at trial;

**HEREBY GRANTS** their requests and **STAYS** the execution of the Impugned Decision in respect of all accused in the present case, pending the resolution of the instant appeals.

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



Judge Fausto Pocar  
Presiding

Dated this 28<sup>th</sup> day of February 2003,  
At The Hague,  
The Netherlands.

[Seal of the Tribunal]

