

IT-03-68-A
A2617-A2615
10 July 2007

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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 No. IT-03-68-A
Date: 10 July 2007
Original: English

IN THE APPEALS CHAMBER

Before: Judge Liu Daqun, Pre-Appeal Judge
Registrar: Mr. Hans Holthuis
Decision: 10 July 2007

PROSECUTOR

v.

NASER ORIĆ

**DECISION ON PROSECUTION'S REQUEST FOR LEAVE TO
FILE A SECOND NOTICE OF SUPPLEMENTAL AUTHORITY**

The Office of the Prosecutor:

Christine Dahl

Counsel for the Accused:

Ms. Vasvija Vidović
Mr. John Jones

I, LIU DAQUN, a Judge of 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 ("International Tribunal"), and Pre-Appeal Judge in this case,¹

RECALLING that the Appeals Chamber is seized with the Defence Notice of Appeal filed by Counsel for Naser Orić ("Defence") on 5 October 2006 from the Judgement of Trial Chamber II rendered on 30 June 2006 in *Prosecutor v. Naser Orić*;²

NOTING the confidential Defence Appellant's Brief filed on 16 October 2006 and the confidential Prosecution's Response Brief filed on 28 November 2006;

BEING SEIZED of the "Prosecution's Request for Leave to file a Notice of Supplemental Authority" filed on 5 June 2007 ("Request") by the Prosecution;

NOTING that the Defence did not file a response;

NOTING that in the Request the Prosecution requests leave to file a notice concerning the *Blagojević and Jokić* Appeal Judgement³ on the ground that it was rendered after completion of the Defence appeal and contains legal conclusions pertinent to the Defence appeal and the Prosecution's Response thereto;⁴

CONSIDERING the provisions of the "Practice Direction on Formal Requirements for Appeals from Judgement";⁵

CONSIDERING that the briefing for the Defence appeal is complete;⁶

CONSIDERING that a party may file supplementary authorities which may be pertinent to an issue to be decided in the case to bring briefs up-to date, provided that the issue has already been

¹ Order Assigning Judges to a Case Before the Appeals Chamber and Appointing a Pre-Appeal Judge, 14 August 2006, p. 2.

² Case No. IT-03-68-T.

³ *Prosecutor v. Vidoje Blagojević and Dragan Jokić*, Case No. IT-02-60-A, Judgement, 9 May 2007 ("*Blagojević and Jokić* Appeal Judgement").

⁴ Request, para. 1.

⁵ IT/201 of 7 March 2002, paras 7-10.

⁶ On 12 December 2006, the Defence filed the Defence Reply Brief. Further, with his Defence Response to the Prosecution's Motion to Strike Defence Reply Brief and Annexes A-D, the Defence filed on 22 December 2006 a Corrigendum to Defence Reply Brief.

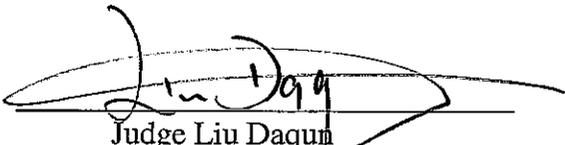
raised in the party's briefs and that the supplemental authorities became available only after the filing of the briefs;⁷

CONSIDERING that the *Blagojević and Jokić* Appeal Judgement was rendered after the briefing of the Defence appeal in this case was completed and that it is pertinent to an issue raised in the Defence appeal;

FOR THE FOREGOING REASONS,

GRANTS the Prosecution's Request and **ACCEPTS** the Notice of Supplemental Authority as validly filed.

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



Judge Liu Daqun
Pre-Appeal Judge

Dated this 10th day of July 2007,
At The Hague, The Netherlands.

[Seal of the International Tribunal]

⁷ *Prosecutor v. Nikola Šainović and Dragoljub Ojdanić*, Case No. IT-99-37-AR65, Order Granting Leave to File Supplemental Authorities, 16 October 2002, p. 3; Decision on Prosecution's "Notice of Supplemental Authority", 14 May 2007, p. 2.