

UNITED
NATIONS

IT-03-69-PT
D 4427 - D 4425
20 August 2004

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International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of
Former Yugoslavia since 1991

Case No. IT-03-69-PT
Date: 20 August 2004
Original: English

BEFORE THE DUTY JUDGE

Before: Judge Inés Mónica Weinberg de Roca, Duty Judge
Registrar: Mr. Hans Holthuis
Decision: 20 August 2004

PROSECUTOR

v.

JOVICA STANIŠIĆ AND FRANKO SIMATOVIĆ

**DECISION ON DEFENCE APPLICATIONS FOR
CERTIFICATION OF INTERLOCUTORY APPEAL**

The Office of the Prosecutor:

Mr. Dermot Groome
Mr. David Re
Ms. Melissa Pack

Counsel for the Accused:

Mr. Geert-Jan Alexander Knoops and Mr. Wayne Jordash for Jovica Stanišić
Mr. Zoran Jovanović for Franko Simatović

I, Inés Mónica Weinberg de Roca, Duty Judge 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”),

BEING SEISED of the following applications: (i) a “Defence Request for Leave to Appeal from the Trial Chamber ‘Order Granting Stay of Decisions on Provisional Release’ of July 29, 2004” filed on behalf on the accused Jovica Stanišić on 4 August 2004; and (ii) a “Defence Appeal for Confirmation of Interlocutory Appeal Against Trial Chamber’s Order Granting Stay of Decisions on Provisional Release” filed on behalf of the accused Franko Simatović on 5 August 2004 (collectively, “Defence Motions”), both seeking leave to file interlocutory appeals against an Order issued by Trial Chamber III on 29 July 2004 granting stay of its decisions on provisional release¹ (“Impugned Order”),

NOTING the “Prosecution’s Response to Defence Applications for Rule 73(B) Certification of Order Granting Stay of Decisions on Provisional Release” filed on 10 August 2004, in which the Prosecution submits that the Defence Motions should be dismissed,

CONSIDERING that, during periods of court recess, the Duty Judge may, pursuant to Rule 28 of the Rules, act upon an application if satisfied as to its urgency or that it is otherwise appropriate to do so in the absence of the Trial Chamber,


CONSIDERING that, in the circumstances of this case, I am not satisfied that the requirements set out in Rule 28 of the Rules are met; in my view, it is more appropriate for the Trial Chamber that issued the Impugned Order to deal with the Defence Motions, nor is there any satisfactory urgency to justify a resolution of this matter by the Duty Judge,

PURSUANT TO Rules 28 and 54 of the Rules of Procedure and Evidence of the International Tribunal,

¹ *Prosecutor v. Jovica Stanišić*, Case No. IT-03-69-PT, “Decision on Provisional Release”, 28 July 2004; *Prosecutor v. Franko Simatović*, Case No. IT-03-69-PT, “Decision on Provisional Release”, 28 July 2004.

HEREBY REMIT the Defence Motions to Trial Chamber III for determination.

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



Judge Inés Mónica Weinberg de Roca
Duty Judge

Dated this twentieth day of August 2004
At The Hague
The Netherlands

[Seal of the Tribunal]