



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-95-16-~~AR73~~
Date: 21 October 1998
Original: ENGLISH

IN THE APPEALS CHAMBER

Before: Judge Gabrielle Kirk McDonald (Presiding)
Judge Rafael Nieto-Navia
Judge Wang Tieya

Registrar: Mrs. Dorothee de Sampayo Garrido-Nijgh

Decision of: 21 October 1998

PROSECUTOR

v.

**Zoran KUPREŠKIĆ, Mirjan KUPREŠKIĆ, Vlatko KUPREŠKIĆ,
Drago JOSIPOVIĆ, Dragan PAPIĆ, Vladimir ŠANTIĆ, also known as "VLADO"**

**DECISION ON APPLICATION FOR LEAVE TO APPEAL BY VLATKO
KUPREŠKIĆ AGAINST THE ORAL DECISION OF THE TRIAL CHAMBER OF
17 AUGUST 1998**

The Office of the Prosecutor:

**Mr. Franck Terrier
Mr. Albert Moskowitz**

Counsel for the Accused:

**Mr. Ranko Radović, for Zoran Kupreškić
Ms. Jadranka Glumać, for Mirjan Kupreškić
Mr. Borislav Krajina, for Vlatko Kupreškić
Mr. Luko Šušak, for Drago Josipović
Mr. Petar Pulišelić, for Dragan Papić
Mr. Petar Pavković, for Vladimir Santic**

NOTING the oral decision of Trial Chamber II rendered on 17 August 1998 denying the request of the Accused, Vlatko Kupreškić ("the Accused"), for assignment of Mr. Želimir Par as his Co-Counsel,

NOTING the Application for Leave to Appeal that Decision filed on 15 September 1998 pursuant to Sub-rule 73 (B),

NOTING the Response of Office of the Prosecutor filed on 7 October 1998 in which it abstains from taking a position with regard to this matter,

CONSIDERING that the interlocutory appeal has been filed under Sub-rule 73 (B) which provides that:

Decisions on such motions are without interlocutory appeal save with the leave of a bench of three Judges of the Appeals Chamber which may grant such leave

- (i) if the decision impugned would cause such prejudice to the case of the party seeking leave as could not be cured by the final disposal of the trial including post-judgement appeal; or
- (ii) if the issue in the proposed appeal is of general importance to proceedings before the Tribunal or in international law generally,

CONSIDERING that the oral Decision of Trial Chamber II does not cause any prejudice to the accused since:

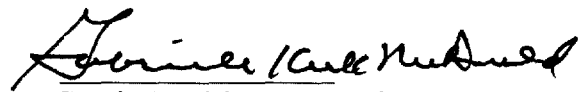
- (i) the Trial Chamber, acting pursuant to Rule 45 (B), already made an exception to Article 14 (A) (ii) of the Directive on Assignment of Defence Counsel (Directive No. 1/94) ("the Directive"), requiring counsel to speak one of the two working languages of the Tribunal, by authorising the Registrar to assign to the Accused counsel of his choosing despite the fact that he does not fulfil the language requirement;
- (ii) Mr. Par has already been assigned by the Registrar as Legal Assistant to the Accused; and

- (iii) The refusal to assign Mr. Par as Co-Counsel does not preclude the assignment of another counsel to the Accused who meets the requirements of Article 14 (A) of the Directive,

CONSIDERING FURTHER that the Accused has failed to assert that there is an issue of general importance to proceedings before the Tribunal or an issue of general importance in international law generally, nevertheless the Appeals Chamber finds that the requirements of Sub-rule 73 (B) (ii) have not been met,

HEREBY DECIDES to deny leave to appeal.

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


Gabrielle Kirk McDonald
Presiding Judge

Dated this twenty-first day of October 1998
At The Hague
The Netherlands

[Seal of the Tribunal]