



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-96-21-A
Date: 1 June 2000
Original: English

IN THE APPEALS CHAMBER

Before: Judge David Hunt, Presiding
Judge Fouad Riad
Judge Rafael Nieto-Navia
Judge Mohamed Bennouna
Judge Fausto Pocar

Registrar: Mrs Dorothee de Sampayo Garrido-Nijgh

Order of: 1 June 2000

PROSECUTOR

v

Zejnir DELALIĆ, Zdravko MUCIĆ (aka "PAVO"), Hazim DELIĆ
and Esad LANDŽO (aka "ZENGA")

CONFIDENTIAL

**ORDER ON PROSECUTION MOTION FOR ADJOURNMENT OF ORAL ARGUMENT
OF APPEAL OR ALTERNATIVELY FOR ADJOURNMENT OF ORAL ARGUMENT OF
CERTAIN GROUNDS OF APPEAL**

Counsel for the Office of the Prosecutor:

Mr Upawansa Yapa
Mr Christopher Staker
Mr Norman Farrell

Counsel for the Defence:

Mr John Ackerman for Zejnir Delalić
Mr Tomislav Kuzmanović and Mr Howard Morrison for Zdravko Mucić
Mr Salih Karabdić and Mr Tom Moran for Hazim Delić
Mrs Cynthia Sinatra and Mr Peter Murphy for Esad Landžo

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”);

NOTING the “Prosecution Motion for Adjournment of Oral Argument of Appeal or Alternatively for Adjournment of Oral Argument of Certain Grounds of Appeal”, filed confidentially by the Office of the Prosecutor on 31 May 2000 (“Motion”);

NOTING the Notice of Appeal filed in these proceedings by the prosecution on 26 November 1998 in which the prosecution, *inter alia*, appeals against the acquittal of Zejnil Delalić (Delalić), and the Notices of Appeal filed by Hazim Delić (Delić) on 24 November 1998, Zdravko Mucić (Mucić) on 27 November 1998, and Esad Landžo (Landžo) on 1 December 1998;

NOTING the Scheduling Order issued by the Appeals Chamber on 6 April 2000 pursuant to which it was ordered, *inter alia*, that the hearing of this appeal, whereby the parties may supplement their Briefs with oral argument, will commence at 10 am on Monday 5 June 2000;

NOTING that the Motion and annexed documents recount that, due to the change in government in the Republic of Croatia, the prosecution has recently been given access to documents in the possession of that government to which the prosecution had previously not had access; that 154 of these documents which pertained to “the Čelebići prison and the surrounding area” (“Documents”) were provided to a Research Officer with the Leadership Research Team of the prosecution on 19 May 2000; that the Appeals Section of the prosecution was sent by facsimile a summary of thirty-five of the Documents on 24 May 2000; that the Documents were brought to the prosecution in the Hague on Friday 26 May 2000; that the processing and translation of the Documents would necessarily take a significant amount of time, but that on a cursory review of the Documents there are certain documents “which appear to relate to the responsibilities of Zejnil Delalić as a commander in the region and his role in relation to the Čelebići prison camp during the relevant time period”, that “a few of the documents appear to relate to Delić and Mucić” and that although the prosecution is not in a position to assess whether the Documents could have affected the verdict of the Trial Chamber or to articulate their relevance to the grounds of appeal, it is submitted that the documents may be material to the determination of the appeal;

NOTING that, on the basis of the above considerations, the prosecution moves the Appeals Chamber for an order

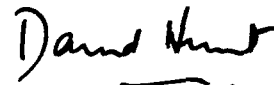
- (a) that the oral argument of the appeal be adjourned pending a determination of the length of time required to translate and assess the Documents; or in the alternative
- (b) that the appeals proceed in relation to Landžo, and in relation to the legal issues in the Mucić and Delić appeals and the prosecution appeal in the case of Delalić, but that the appeals relating to Delalić, Mucić and Delić, as they relate to factual issues, be adjourned pending the translation and assessment of the Documents;

CONSIDERING that the description of the Documents in the Motion and annexed documents does not indicate that they contain material of relevance to the disposition of the prosecution's grounds of appeal, which are expressed by the prosecution in its appeal briefs to relate to legal issues of alleged errors of law or "basic principle" by the Trial Chamber;

CONSIDERING that the question of the use to which material in the Documents may otherwise be put is one which will be considered by the Appeals Chamber at the hearing of the appeal;

HEREBY DISMISSES the Motion.

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



Judge David Hunt
Presiding Judge

Done this 1st day of June 2000
At The Hague,
The Netherlands.

[Seal of the Tribunal]