

**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-95-16-A  
Date: 14 March 2001  
Original: English

IT-95-16-A  
4342 - 44340  
14 MARCH 2001

4342  
SF

**BEFORE THE APPEALS CHAMBER**

**Before:** Judge Patricia Wald, Presiding  
Judge Lal Chand Vohrah  
Judge Rafael Nieto-Navia  
Judge Fausto Pocar  
Judge Liu Daqun

**Registrar:** Mr. Hans Holthuis

**Order of:** 14 March 2001

**PROSECUTOR**

**v.**

**ZORAN KUPREŠKIĆ  
MIRJAN KUPREŠKIĆ  
VLATKO KUPREŠKIĆ  
DRAGO JOSIPOVIĆ  
VLADIMIR ŠANTIĆ**

**ORDER APPOINTING A PRE-APPEAL JUDGE**

**Counsel for the Prosecutor:**  
Mr. Upawansa Yapa

**Counsel for the Defence:**  
Mr. Ranko Radović, Mr. Tomislav Pasarić for Zoran Kupreškić  
Ms. Jadranka Sloković-Glumać, Ms. Desanka Vranjican for Mirjan Kupreškić  
Mr. Anthony Abell, Mr. John Livingston for Vlatko Kupreškić  
Mr. Luka Šušak, Ms. Goranka Herljević for Drago Josipović  
Mr. Petar Pavković, Mr. Mirko Vrdoljak for Vladimir Šantić

**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”);

**BEING SEISED** of the following notices of appeal which have been filed from the Judgement of Trial Chamber I in the *Prosecutor v. Kupreškić et al*, dated 14 January 2000:

1. Vladimir Šantić’s Notice of Appeal dated 24 January 2000
2. Vlatko Kupreškić’s Notice of Appeal dated 26 January 2000
3. Drago Josipović’s Notice of Appeal dated 26 January 2000
4. Zoran Kupreškić’s Notice of Appeal dated 27 January 2000
5. Mirjan Kupreškić’s Notice of Appeal dated 28 January 2000
6. Prosecution’s Notice of Appeal dated 31 January 2000

**NOTING** the provisions of Article 20, paragraph 1, of the Statute of the International Tribunal (“Statute”) which enshrine the right to “a fair and expeditious” trial and Article 21, paragraph 4(c), of the Statute which guarantees the accused's right “to be tried without undue delay”;

**CONSIDERING** that the accused’s right to a fair and expeditious trial includes the conduct of appellate proceedings pursuant to Article 25 of the Statute;

**NOTING** Rule 65*ter* of the Rules of Procedure and Evidence of the International Tribunal (“Rules”) which provides that a Trial Chamber shall “designate from among its members a Judge responsible for the pre-trial proceedings” (“pre-trial Judge”);

**NOTING** the powers of a pre-trial Judge as set out in Rule 65*ter* of the Rules;

**CONSIDERING** that Rule 65*ter* is a rule that governs proceedings in the Trial Chambers;

**NOTING** Rule 107 of the Rules which provides that the “rules of procedure and evidence that govern proceedings in the Trial Chambers shall apply *mutatis mutandis* to proceedings in the Appeals Chamber”;

**NOTING** the “Order Appointing a Pre-Appeal Judge” issued by the Appeals Chamber on 16 May 2000 which designated Judge Mohamed Bennouna with responsibility on behalf of the Appeals

Chamber for matters arising prior to the commencement of the hearing of the appeal (“pre-appeal Judge”);

**CONSIDERING** that the appointment of Judge Mohamed Bennouna as pre-appeal Judge ceased upon his departure as Judge of the International Tribunal on 28 February 2001;

**NOTING** the “Order of the President Assigning a Judge to the Appeals Chamber” issued in French on 14 March 2001 appointing Judge Lui Daqun as a member of the Appeals Chamber in the appeal of *Prosecutor v. Kupreškić et al*;

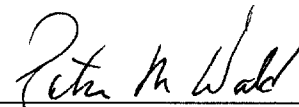
**CONSIDERING** that it is in the interests of justice and of a more expeditious and effectively managed appeal to appoint another pre-appeal Judge;

**PURSUANT TO** Rules 65 *ter* and 107 of the Rules;

**HEREBY DESIGNATES** Judge Patricia Wald to be the pre-appeal Judge in this appeal, such appointment to take effect forthwith;

**AND ENTRUSTS** the pre-appeal Judge with (i) the determination of all pre-appeal motions of a procedural nature under Rule 73 as it applies to the Appeals Chamber, with the power to refer to the Appeals Chamber any such motions as she considers appropriate, and (ii) the conduct of one or more Status Conferences prior to the hearing of the Appeal, in order to determine, in consultation with the Appeals Chamber, the procedures to be followed in that hearing.

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



Patricia Wald  
Presiding Judge

Done this 14<sup>th</sup> day of March 2001,  
At The Hague,  
The Netherlands.

[Seal of the Tribunal]