

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: IT-98-33-A

Date: 4 April 2002

Original: English

IN THE APPEALS CHAMBER

Before: Judge David Hunt, Pre-Appeal Judge

Registrar: Mr Hans Holthuis

Decision of: 4 April 2002

PROSECUTOR

v

Radislav KRSTIĆ

**DECISION ON PROSECUTION REQUEST TO FILE A SUPPLEMENTARY
RESPONDENT'S BRIEF**

Office of the Prosecutor:

Mr Norman Farrell

Counsel for the Defence:

**Mr Nenead Petrušić
Mr Tomislav Višnjić**

I, Judge David Hunt, Pre-Appeal Judge,

NOTING the “Prosecution’s Request to File a Supplementary Response to the Defence Appeal Brief and Prosecution’s Supplementary Response” filed confidentially on 22 March 2002 (“Motion”), in which the prosecution requests leave to file a supplementary response (“Supplementary Respondent’s Brief”) to the “Prosecution’s Response Brief” filed on 19 February 2002 (“Respondent’s Brief”);

NOTING that the prosecution Motion is for leave to file additional submissions in relation to the second ground of the “Defence Appeal Brief” filed on 10 January 2002 (“Defence Appeal Brief”) by Radislav Krstić (“Appellant”), by which the Appellant complains that the prosecution’s discovery practices violated his right to a fair trial;

NOTING FURTHER the Supplementary Respondent’s Brief is directed solely to the allegations made with respect to subparagraph D of the second ground, “Trial Chamber’s Witnesses”;

NOTING that the prosecution was not in a position to make the submissions contained in the Supplementary Respondent’s Brief at the time of the filing of the Respondent’s Brief, as it had been imparted on a *ex parte* and confidential basis and the Appeals Chamber had not yet issued a decision on the “Motion to Lift *Ex Parte* Status of Meeting with the Trial Chamber on 11 January 2001” filed *ex parte* and confidentially by the prosecution on 13 February 2002;

NOTING the “Order on Prosecution’s Motion to Lift *Ex Parte* Status of Meeting With The Trial Chamber On 11 January 2001” issued by the Appeals Chamber on 7 March 2002 (“Order”) granting the prosecution’s application;

CONSIDERING that the prosecution gave notice at par 3.71 of its Respondent’s Brief that it was not yet in a position to supply all the information relevant to the issue raised in the second ground, subparagraph D, of the Defence Appeal Brief;

NOTING that there has been no Response by the Appellant to the Motion within the time allowed by par 11 of the Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings Before the International Tribunal (IT/155);

CONSIDERING that there will be no prejudice caused to the Appellant by the granting of the Motion as the Appellant will be entitled, should he so wish, to file a reply to that Supplementary Respondent's Brief;

CONSIDERING that, in the circumstances, the Motion should therefore be permitted;

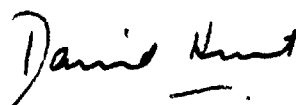
HEREBY GRANT the Motion, and;

ORDER

- (1) that the Supplementary Respondent's Brief be recognised as having been validly filed on 22 March 2002; and
- (2) that the Appellant is to file any reply to that Supplementary Respondent's Brief within 7 days of this Order.

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

Dated this 4th day of April 2002,
At The Hague,
The Netherlands.



Judge David Hunt
Pre-Appeal Judge

[Seal of the Tribunal]