

IT-02-60-AR65
A81- A79
06 SEPTEMBER 2002

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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-02-60-AR65 &
IT-02-60-AR65.2**
Date: 6 September 2002
Original: English

IN THE APPEALS CHAMBER

**Before: Judge Mohamed Shahabuddeen, Presiding
Judge David Hunt
Judge Mehmet Güney
Judge Fausto Pocar
Judge Theodor Meron**

Registrar: Mr. Hans Holthuis

Decision of: 6 September 2002

PROSECUTOR

v

**Vidoje BLAGOJEVIĆ
Dragan OBRENOVIĆ
Dragan JOKIĆ
Momir NIKOLIĆ**

**DECISION ON PROSECUTION'S REQUEST FOR LEAVE TO FILE
CONSOLIDATED RESPONSE**

**Counsel for the Prosecutor:
Mr. Peter McCloskey**

**Counsel for the Accused:
Mr. Michael Karnavas, for Vidoje Blagojević
Mr. David Eugene Wilson, for Dragan Obrenović**

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,

NOTING the “Decision on Dragan Obrenović’s Application for Provisional Release” and the “Decision on Vidoje Blagojević’s Application for Provisional Release”, both filed on 22 July 2002, and refusing provisional release to both accused (“Impugned Decisions”);

NOTING the “Decision on Application by Obrenović for Leave to Appeal” and the “Decision on Application by Blagojević for Leave to Appeal”, rendered by a bench of three Judges of the Appeals Chamber on 27 August 2002, granting leave to both accused to appeal from the Impugned Decisions;

NOTING the “Appeal of the Trial Chamber’s Decision on Dragan Obrenović’s Application for Provisional Release”, filed on 30 August 2002 (“Obrenović Appellant’s Brief”);

BEING SEISED OF the “Prosecution’s Request for Leave to File Consolidated Response to Pending Motion by the Accused Obrenović, and to Anticipated Motion by Accused Blagojević, Regarding Appeal on Applications for Provisional Release”, filed on 2 September 2002, whereby the Prosecution seeks leave to file a consolidated response in relation to both Obrenović Appellant’s Brief and Blagojević Appellant’s Brief;

NOTING the “Appeal from Trial Chamber’s Impugned Decision on Vidoje Blagojević’s Application for Provisional Release”, filed on 2 September 2002 (“Blagojević Appellant’s Brief”);

NOTING the “Accused Blagojević’s Non-Opposition to the Prosecutor’s Request for Leave to File Consolidated Response to Pending Motions by Accused Blagojević and Obrenović Regarding Appeal on Application for Provisional Release”, filed on 3 September 2002;

NOTING the “Accused Obrenović’s Non-Opposition to the Prosecutor’s Request for Leave to File Consolidated Response to Pending Appeals Filed by Accused Obrenović and Blagojević Regarding Denial(s) of Provisional Release”, filed on 4 September 2002;

NOTING that the Prosecution’s Response in relation to Obrenović’s Appellant’s Brief is due on 9 September 2002;

CONSIDERING that the Appellants' briefs contain many similar arguments and that having one only response would be both time-efficient and more practical;

NOTING the Prosecution's submissions that it has already had an opportunity to consider the issues common to both appeals, and that the Prosecution would be in a position to file its consolidated response seven (7) days following the receipt of the Blagojević appeal;

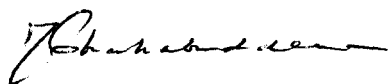
HEREBY GRANTS the Prosecution's Request and **ORDERS** the Prosecution to file its consolidated brief in response seven (7) days from the filing date of the last appellant's brief, i.e. no later than Monday 9 September 2002.

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

Dated this 6 September 2002,

At The Hague,

The Netherlands.



Mohamed Shahabuddeen

Presiding Judge

[Seal of the Tribunal]