



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-99-36-AR73.9
Date: 26 November 2002
Original: English
French

IN THE APPEALS CHAMBER

Before: Judge Claude Jorda, President
Judge Mohamed Shahabuddeen
Judge Mehmet Güney
Judge Asoka de Zoysa Gunawardana
Judge Theodor Meron

Registrar: Mr Hans Holthuis

Decision of: 26 November 2002

THE PROSECUTOR

v.

RADOSLAV BRĐANIN

**DECISION ON THE REQUESTS OF THE PROSECUTOR AND
BRĐANIN'S DEFENCE FOR LEAVE TO FILE A RESPONSE**

The Office of the Prosecutor:
Mrs Joanna Korner
Mr Andrew Cayley

Counsel for Jonathan Randal:
Mr Geoffrey Robertson and Mr Steven Powles

Defence Counsel:
Mr John Ackerman and Mr Milan Trbojević

Counsel for Amici Curiae:
Mr Floyd Abrams and Mr Joel Kutzberg

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 (hereinafter “the Appeals Chamber” and “the Tribunal”),

NOTING the document filed by Counsel for Jonathan Randal on 14 November 2002 entitled “Submissions on Behalf of Jonathan Randal in Response to Ackerman Memo Filed with Appeals Chamber and Trial Chamber on 7 October 2002” (hereinafter “the Submissions on the Memorandum filed by Mr Ackerman”);

NOTING the Prosecutor’s Request filed on 18 November 2002 entitled “Prosecution’s Request for Leave to Respond to the Pleading Entitled ‘Submissions on Behalf of Jonathan Randal in Response to Ackerman Memo Filed with Appeals Chamber and Trial Chamber on 7 October 2002’ ” (hereinafter “the Prosecutor’s Request”);

NOTING the Request of Brdanin’s Defence filed on 19 November 2002 entitled “Defendant Brdanin’s Request for Leave to Respond to the Pleading Entitled ‘Submissions on Behalf of Jonathan Randal in Response to Ackerman Memo Filed with Appeals Chamber and Trial Chamber on 7 October 2002’ ” (hereinafter “the Defence Request”);

CONSIDERING that, bearing in mind the circumstances, it would be unfair to dismiss the above requests and that the particular situation in this case warrants the Appeals Chamber’s granting authorisation to file the aforementioned responses at the earliest opportunity;

FOR THE FOREGOING REASONS,

GRANTS the Requests of the Prosecutor and Brđanin's Defence and **AUTHORISES** the filing of a response to the Submissions on the Memorandum filed by Mr Ackerman;

ORDERS the Prosecutor and Brđanin's Defence to file their responses by no later than 28 November 2002;

ORDERS Counsel for Mr Randal to file a reply, should he so wish, by no later than 2 December 2002;

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

Done this twenty-sixth day of November 2002
At The Hague
The Netherlands

(signed)

Claude Jorda
President

[Seal of the Tribunal]