

UNITED
NATIONS



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of
Former Yugoslavia since 1991

Case No. IT-02-60-PT
Date: 7 January 2003
Original: English

IT-02-60-PT
D 7897 - D 7895
07 January 2003

7897
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IN TRIAL CHAMBER II

Before: Judge Wolfgang Schomburg, Presiding
Judge Florence Ndepele Mwachande Mumba
Judge Carmel Agius

Registrar: Mr. Hans Holthuis

Decision of: 7 January 2003

PROSECUTOR

v.

**VIDOJE BLAGOJEVIĆ
DRAGAN OBRENOVIĆ
DRAGAN JOKIĆ
MOMIR NIKOLIĆ**

**Decision on Prosecution Request to File Consolidated Response to
Defence Motions for Reconsideration of Trial Chamber's Decision
to Review all Discovery Materials on 10 January 2003**

The Office of the Prosecutor:

Mr. Peter McCloskey

Counsel for the Accused:

Mr. Michael Karnavas and Ms. Suzana Tomanović for Vidoje Blagojević
Mr. David Wilson and Mr. Dušan Slijepčević for Dragan Obrenović
Mr. Miodrag Stojanović and Ms. Cynthia Sinatra for Dragan Jokić
Mr. Veselin Londrović and Mr. Stefan Kirsch for Momir Nikolić

TRIAL CHAMBER II ("Trial 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 ("Tribunal"),

BEING SEIZED OF the "Prosecution Request to File Consolidated Response to ("Joint") Defence Motion for Reconsideration of Trial Chamber's Decision to Review all Discovery Materials on 10 January 2003" ("Request"), filed on 27 December 2002, in which the Office of the Prosecutor ("Prosecution") requests leave to file a consolidated response to the motions of Vidoje Blagojević,¹ Dragan Obrenović,² Dragan Jokić³ and Momir Nikolić⁴ (collectively, "Defence Motions") which object to the Trial Chamber's request to be provided with the same materials that were provided by the Prosecution to the Defence through discovery, as well as an extension of time in filing its response,

- **NOTING** the "Order for Filing Motions" of this Trial Chamber of 26 February 2002 which provides that "[u]nless otherwise ordered, the party receiving a written motion has fourteen calendar days from the date that the motion was filed to file its response, if any",

NOTING that the last motions by the Accused Obrenović and Nikolić were filed on 13 December 2002,

NOTING that the Request was filed on the fourteenth day following the filing of the last motions,

- **CONSIDERING** that the Defence Motions raise various issues relating to the Trial Chamber's request to the Prosecution to receive the "same material" provided by the Prosecution to the Defence through discovery ("Trial Chamber's request"),

CONSIDERING that the Prosecution seeks additional time to discuss with "Senior OTP management regarding any policy decisions" related to the Defence Motions,

CONSIDERING that the Defence Motions were filed just prior to the Court Recess,

¹ Accused Blagojević's Motion for Reconsideration of the Trial Chamber's Order to the Prosecution to Produce to the Trial Chamber all of the Disclosure Material Provided to the Defense Pursuant to the Prosecution's Disclosure Obligations & Request for Stay of Execution of the Trial Chamber's Order; Request for Leave to Accept Motion in Excess of Page Limitation, 12 December 2002

² Accused Obrenović's Motion for Reconsideration of Trial Chambers Decision to Review all Discovery Materials Provided the Accused by the Prosecution, 13 December 2002


³ Motion of Dragan Jokić for Order that Trial Chamber Not Be Supplied with Materials Disclosed to Defence, 12 December 2002

HEREBY GRANTS the Request of the Prosecution to file a consolidated response to the motions of the four Accused relating to the Trial Chamber's request, and

ORDERS that the Prosecution file the consolidated response at the latest on 10 January 2003.

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

— Dated this seventh day of January 2003,
At The Hague
The Netherlands


—
for Judge Wolfgang Schomburg
Presiding

[Seal of the Tribunal]

⁴ Accused Nikolic's Motion for Reconsideration of the Trial Chamber's Request to Have Access to all the Disclosure Material Provided to the Defence, 13 December 2002