

**UNITED
NATIONS**

IT-98-30/1-A
A 3569- A3567
05 March 2003

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**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-98-30/1-A
Date: 5 March 2003
Original: English**

IN THE APPEALS CHAMBER

Before: Judge David Hunt, Pre-Appeal Judge

Registrar: Mr Hans Holthuis

Order of: 5 March 2003

PROSECUTOR

v

**Miroslav KVOČKA
Mlađo RADIĆ
Zoran ŽIGIĆ
Dragoljub PRCAĆ**

ORDER

**Counsel for the Prosecutor:
Mr Christopher Staker**

**Counsel for the Defence:
Mr Krstan Simić for Miroslav Kvočka
Mr Toma Fila for Mlađo Radić
Mr Slobodan Stojanović for Zoran Žigić
Mr Jovan Simić for Dragoljub Prcać**

I, Judge David Hunt, a Judge of the Appeals Chamber,

NOTING the “Prosecution’s Third Status Report on Disclosure”, filed on 12 February 2003;

NOTING the Status Conference held on 14 February 2003, during which counsel for the Prosecution informed the court that disclosure to the Defence had been completed on 13 February;

NOTING the “Order” of 17 February whereby counsel for Kvočka, Radić and Prcać as well as Zoran Žigić himself were ordered to file no later than Friday 21 February 2003 at 4 pm a document stating how long they think they will need to file any potential Rule 115 motions;

NOTING the Reports filed by Kvočka, Radić, Prcać and Žigić on 21 February;¹

NOTING that Kvočka informed the Appeals Chamber that he will not file any Rule 115 Motion;²

NOTING that Radić informed the Appeals Chamber that he will be in a position to file his Rule 115 Motion no later than 26 February 2003,³ and that such Rule 115 Motion has now been filed;⁴

NOTING that Prcać informed the Appeals Chamber that he will be in a position to file his Rule 115 Motion no later than 26 February 2003,⁵ and that such Rule 115 Motion has now been filed;⁶

NOTING the “Order” of 25 February, whereby I granted Žigić an extension of time in which to file a document stating how long he thinks he will need to file any potential Rule 115 motion;

NOTING that Žigić filed such a document on 3 March, in which he says that if he were to go through the material himself he would need three months to examine that material;⁷

¹ Report to the Appeals Chamber on the Status of the Accused Zoran Žigić; Defence Response to Order From 17 February 2003 (Kvočka); Defence Notice of Compliance with Order of 17th of February 2003 (Radić); Defence Notice of Compliance with Order of 17th of February 2003 (Prcać).

² Defence Response to Order From 17 February 2003, pars 5-6.

³ Defence Notice of Compliance with Order of 17th of February 2003, pars 5-6.

⁴ Motion of Mlađo Radić to Admit Additional Evidence Pursuant to Rule 115, 25 Feb 2003.

⁵ Defence Notice of Compliance with Order of 17th of February 2003, par 2.

⁶ Motion of Dragoljub Prcać to Admit Additional Evidence Pursuant to Rule 11[5], 4 March, but dated 26 March.

⁷ Reply to the Order of Judge David Hunt of 25 February 2003, par 15.

NOTING that Mr Slobodan Stojanović has now agreed to appear for Žigić for the remainder of this appeal;⁸


NOTING that counsel for the other appellants had sought and been given a week in which to assess how long they would need to file any Rule 115 Motion;

CONSIDERING that such a period of time is a reasonable one;

HEREBY ORDER that Mr Stojanović file no later than Wednesday 12 March 2003 at 4 pm a document stating how long he thinks that he will need to file any Rule 115 motion.

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

Dated this 5th day of March 2003,
At The Hague,
The Netherlands.



David Hunt
Pre-Appeal Judge

[Seal of the Tribunal]

⁸ By letter of 1 March 2003, Mr Stojanović accepted the offer of the Registrar (made by letter of 25 February) to cover the cost of his travel and Daily Subsistence Allowance (DSA) in connection with his attendance at hearings and meetings with Žigić.