



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-00-39-A
Date: 22 August 2007
Original: English

IN THE APPEALS CHAMBER

Before: Judge Fausto Pocar, Presiding
Judge Mohamed Shahabuddeen
Judge Mehmet Güney
Judge Andréia Vaz
Judge Theodor Meron

Registrar: Mr. Hans Holthuis

Decision of: 22 August 2007

PROSECUTOR

v.

MOMČILO KRAJIŠNIK

PUBLIC

ORDER REGARDING RULE 75 MOTION BY MIĆO STANIŠIĆ

The Office of the Prosecutor:

Mr. Peter Kremer
Mr. Alan Tieger

The Accused

Momčilo Krajišnik

Counsel for Mićo Stanišić

Mr. Stevo Bezbradica

Amicus Curiae

Mr. Colin Nicholls

RM

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 (“Appeals Chamber” and “Tribunal”, respectively),

NOTING the “Motion by Mico Stanisić to Rescind or Vary the Delayed Disclosure Orders Pursuant to Rule 75(G)” filed on 17 August 2007 (“Motion”);

CONSIDERING that in this Motion, Mićo Stanišić (“Mr. Stanišić”) asks the Appeals Chamber to rescind or vary certain delayed disclosure measures ordered in *Prosecutor v. Momčilo Krajišnik* that currently apply to Mr. Stanišić’s case pursuant to an earlier decision of the Appeals Chamber;¹

CONSIDERING that in the alternative, Mr. Stanišić asks the Appeals Chamber to refer the matter to his own Trial Chamber;²

OBSERVING that Mr. Stanišić has filed a similar motion before his own Trial Chamber in relation to certain delayed disclosure measures ordered in *Prosecutor v. Radoslav Brđanin* that currently apply to Mr. Stanišić’s case pursuant to an earlier decision of the Appeals Chamber;³

CONSIDERING that while pursuant to Rule 75(G) of the Rules of Procedure and Evidence, Mr. Stanišić had an obligation to apply to this Chamber as the Chamber seized with *Prosecutor v. Momčilo Krajišnik* (“the first proceedings”), Rule 75(G) does not prohibit this Chamber from referring the matter to the Chamber seized with Mr. Stanišić’s own case (“the second proceedings”);⁴

CONSIDERING that practical interests of judicial consistency and economy strongly favor referral to the *Stanišić* Trial Chamber, particularly in light of the similar pending motion before that Chamber and of that Chamber’s organic familiarity with Mr. Stanišić’s case;

FURTHER CONSIDERING that while the time for the Prosecution to respond to the Motion has not yet run, referral of the Motion will not prejudice the Prosecution in relation to the merits of the Motion;

¹ Motion, para. 13(a)-(b); *see also* Decision on “Motion by Mićo Stanišić for Access to All Confidential Materials in the Krajišnik Case”, 21 February 2007, p. 6.

² Motion, para. 13(c).

³ *Prosecutor v. Mićo Stanišić*, Case No. IT-04-79-PT, Motion by Mico Stanisić to Rescind or Vary the Delayed Disclosure Orders Pursuant to Rule 75(G), 16 August 2007; *see also* *Prosecutor v. Radoslav Brđanin*, Case No. IT-99-36-A, Decision on Mićo Stanišić’s Motion for Access to All Confidential Materials in the *Brđanin* Case, 24 January 2007, paras 15-17.

⁴ *Cf. Prosecutor v. Radislav Krstić*, IT-98-33-A, *Ex Parte* and Confidential Decision on the Prosecutor’s Application for Variation of Protective Measures, 28 March 2007, pp. 5-6 (referring a Rule 75(F) request to a different Chamber).

HEREBY DECLINES to decide the Motion and instead **REFERS** it to the *Stanišić* Trial Chamber.

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

Dated this 22nd day of August 2007,
At The Hague, The Netherlands.



Fausto Pocar
Presiding Judge

[Seal of the Tribunal]