



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-05-87/1-A
Date: 23 January 2014
Original: English

IN THE APPEALS CHAMBER

Before: Judge Carmel Agius, Presiding
Judge Patrick Robinson
Judge Mehmet Güney
Judge Khalida Rachid Khan
Judge Bakhtiyar Tuzmukhamedov

Registrar: Mr. John Hocking

Decision of: 23 January 2014

PROSECUTOR

v.

VLASTIMIR ĐORĐEVIĆ

PUBLIC

**DECISION ON VLASTIMIR ĐORĐEVIĆ'S REQUEST TO FILE
A SUPPLEMENTARY AUTHORITY**

The Office of the Prosecutor:

Ms. Daniela Kravetz

Counsel for Vlastimir Đorđević:

Mr. Dragoljub Đorđević
Mr. Veljko Đurđić

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 Judgement rendered by Trial Chamber II (“Trial Chamber”) on 23 February 2011 in the case of *Prosecutor v. Vlastimir Đorđević*;¹

NOTING the Notice of Appeal and Appeal Brief, filed by Vlastimir Đorđević (“Đorđević”) on 24 May 2011 and 15 August 2011, respectively, in which he argues under his sixteenth ground of appeal that the Trial Chamber erred in convicting him of crimes not alleged in the Indictment;²

BEING SEISED of “Vlastimir Đorđević’s Request to File a Supplementary Authority”, filed by Đorđević on 18 December 2013 (“Request”), in which he seeks leave to file a decision by the Appeals Chamber of the International Criminal Court in the case of *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang*, addressing the issue of amending an indictment after commencement of the trial, as a supplementary authority in his appeal (“Supplementary Authority”);³

NOTING that the Prosecution did not file a response to the Request;

RECALLING that paragraphs 7 through 10 of the “Practice Direction on Formal Requirements for Appeals from Judgement” set out the rules for authorities relied upon by appellants and respondents in their briefs;⁴

CONSIDERING that a party may file supplementary authorities which may be pertinent to an issue to be decided in the case to bring briefs up-to-date, provided that the issue has already been raised in the party’s briefs and that the supplemental authorities became available only after the filing of the briefs;⁵

¹ *Prosecutor v. Vlastimir Đorđević*, Case No. IT-05-87/1-T, Public Judgement with Confidential Annex, 23 February 2011.

² Vlastimir Đorđević’s Notice of Appeal, 24 May 2011, paras 106-112; Vlastimir Đorđević’s Appeal Brief, 15 August 2011 (confidential; public redacted version filed on 23 January 2012), paras 352-361. See also Appeal Hearing, 13 May 2013, AT. 99-102.

³ Vlastimir Đorđević’s Request to File a Supplementary Authority, 18 December 2013, para. 1, referring to *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang*, No. ICC-01/09-01/11 OA 6, Decision on the Prosecutor’s appeal against the “Decision on the Prosecution’s Request to Amend the Updated Document Containing the Charges Pursuant to Article 61(9) of the Statute”, 13 December 2013. The Supplementary Authority is attached to the Request as Annex A.

⁴ Practice Direction on Formal Requirements for Appeals from Judgement, IT/201, 7 March 2002.

⁵ *Prosecutor v. Jovica Stanišić and Franko Simatović*, Case No. IT-03-69-A, Decision on Prosecution’s Request for Leave to File Supplementary Authority, 15 November 2013, p. 2; *Prosecutor v. Naser Orić*, Case No. IT-03-68-A, Decision on Prosecution’s “Notice of Supplemental Authority”, 14 May 2007, p. 2; *Prosecutor v. Naser Orić*, Case No. IT-03-68-A, Decision on Prosecution’s Request for Leave to File a Second Notice of Supplemental Authority,

CONSIDERING that the Supplementary Authority is a decision which was rendered on 13 December 2013 and, therefore, after the filing of Đorđević's Appeal Brief;

CONSIDERING FURTHER that the Supplementary Authority may be pertinent to issues to be decided in relation to Đorđević's sixteenth ground of appeal;

FOR THE FOREGOING REASONS,

HEREBY GRANTS the Request and **ACCEPTS** the Supplementary Authority as validly filed.

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

Dated this twenty-third day of January 2014,
At The Hague,
The Netherlands.

Judge Carmel Agius
Presiding

[Seal of the Tribunal]

10 July 2007, pp 2-3; *Prosecutor v. Nikola Šainović and Dragolub Ojdanić*, Case No. IT-99-37-AR65, Order Granting Leave to File Supplementary Authorities, 16 October 2002, p. 3.