

**BEFORE THE PRE-APPEAL JUDGE**

**Before:**  
**Judge Fausto Pocar, Pre-Appeal Judge**

**Registrar:**  
**Mr. Hans Holthuis**

**Decision of:**  
**29 August 2003**

**PROSECUTOR**

**v.**

**MLADEN NALETILIC, aka "TUTA"  
VINKO MARTINOVIC, aka "STELA"**

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**ORDER**

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**Counsel for the Prosecutor:**

**Mr. Christopher Staker**

**Counsel for the Defence:**

**Mr. Matt Hennessy and Mr. Christopher Y. Meek for Mladen Naletilic  
Mr. Zelimir Par and Mr. Kurt Kerns for Vinko Martinovic**

**I, FAUSTO POCAR**, Judge of 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 ("the International Tribunal") and Pre-Appeal Judge in this case,

**NOTING** the Appellant "Mladen Naletilic's Motion to Present Additional Evidence Pursuant to Rule 115" filed on 15 August 2003 ("Motion"), and Mladen Naletilic's First Supplement to his Motion to Present Additional Evidence Pursuant to Rule 115" filed on 18 August 2003 ("Supplement");

**NOTING** the "Prosecution Response to 'Mladen Naletilic's Motion to Present Additional Evidence Pursuant to Rule 115' Filed on 15 August 2003 and to Mladen Naletilic's First Supplement to Present Additional Evidence Pursuant to Rule 115" filed on 19 August 2003 ("Response"), in which the Prosecution submits that the Motion should be dismissed because it does not comply with Practice Direction IT/201 of 7 March 2002, and that the Appellant has received a substantial extension of time under the Rules of Procedure and Evidence of the International Tribunal ("Rules");

**NOTING** that, in the Response, the Prosecution submits in the alternative that an order be issued granting the Appellant a short period of time to re-file his Motion in compliance with the formal requirements of Practice Direction IT/201, and suspending the briefing schedule in relation to the Motion ("Prosecution's

alternative request");

**NOTING** further that the Prosecution submits that the Supplement should be dismissed because it was filed out of time and the document attached to it "contains no more than an English translation of a document that was disclosed during trial...";

**CONSIDERING** that the Motion does not comply with the requirements for the filing of additional evidence set out in Practice Direction IT/201;

**CONSIDERING** that the English translation of the exhibits attached to the Motion has been completed, was filed on 28 August 2003, and has been communicated to the parties;

**CONSIDERING** that the Supplement was transmitted after normal Registry hours on Friday, 15 August 2003, and was therefore filed on Monday, 18 August 2003;

**FOR THE FOREGOING REASONS,**

**GRANT** the Prosecution's alternative request; **REJECT** the Prosecution's request to dismiss the Supplement; **ORDER** the Appellant to file a consolidated Rule 115 motion, incorporating the Motion and Supplement, in compliance with Practice Direction IT/201, no later than Monday, 8 September 2003; and **ORDER** the Prosecution to file its response to the consolidated motion within 10 days of the filing of the said motion.

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

Dated this 29th day of August 2003,  
At The Hague,  
The Netherlands.

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Fausto Pocar  
Pre-Appeal Judge

**[Seal of the Tribunal]**