



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 & 40-PT

Date: 16 August 2001

Original: ENGLISH

IN THE TRIAL CHAMBER

Before: Judge Richard May, Pre-Trial Judge

Registrar: Mr. Hans Holthuis

Decision of: 16 August 2001

PROSECUTOR

v.

**MOMČILO KRAJIŠNIK
&
BILJANA PLAVŠIĆ**

**DECISION ON PROSECUTION MOTION FOR LEAVE TO FILE A
PROVISIONAL PRE-TRIAL BRIEF**

Office of the Prosecutor:

Mr. Mark Harmon
Mr. Alan Tieger

Counsel for the Accused:

Mr. Deyan Brashich, for Momčilo Krajišnik
Mr. Robert J. Pavich and Mr. Eugene O'Sullivan, for Biljana Plavšić

I, **RICHARD MAY**, Pre-Trial Judge of Trial Chamber III 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 (“International Tribunal”),

BEING SEISED of the “Prosecution’s Motion for Leave to File a Provisional Pre-Trial Brief”, filed by the Office of the Prosecutor (“Prosecution”) on 10 August 2001 (“the Motion”), in which it seeks permission to file a provisional pre-trial brief by 31 August 2001 and a final pre-trial brief by 31 October 2001 on the basis that it has been unable to obtain translations of all the exhibits it intends rely upon at trial and that it has recently received 70,000 pages of new documents it must review,

NOTING the “Reply by the Plavsic Defence to the Prosecution’s Motion for Leave to File a Provisional Pre-Trial Brief”, filed on 13 August 2001 and the “Krajisnik Defence Response to Prosecution’s Motion for Leave to File a Provisional Pre-Trial Brief”, filed on 14 August 2001, in which the Defence do not object to the Motion,

NOTING that the Prosecution is currently under an order to provide its final pre-trial brief by 31 August 2001,

CONSIDERING, however, that given the prosecution’s difficulties in obtaining translations of documents for inclusion in its pre-trial brief,

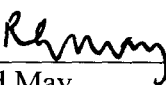
PURSUANT TO RULES 54 and 65 *ter* of the Rules of Procedure and Evidence of the International Tribunal,

HEREBY ORDER AS FOLLOWS:

- (1) That the Prosecution is to file a provisional pre-trial brief by 31 August 2001, which shall include:
 - (a) legal submissions (brief), including in full the Prosecution's case and theory and including the connection of the accused to the various counts in the indictment; and
 - (b) all other material it is required to provide pursuant to Rule 65 *ter* (E), excepting such material as cannot be provided in time due to difficulties in obtaining translations of relevant material; and

- (2) That the Prosecution is to file a final pre-trial brief by 31 October 2001, including all outstanding material and any amendments to its provisional pre-trial brief based on material untranslated at the time of providing its provisional pre-trial brief.

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


Richard May
Pre-Trial Judge

Dated this sixteenth day of August 2001
At The Hague
The Netherlands

[Seal of the Tribunal]