

IT-98-33-A  
A 2031-A 2029  
25 MARCH 2002

2031 KB

UNITED  
NATIONS



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-98-33-A  
Date: 25 March 2002  
Original: English

**IN THE APPEALS CHAMBER**

**Before: Judge David Hunt, Pre-Appeal Judge**

**Registrar: Mr Hans Holthuis**

**Decision of: 25 March 2002**

**PROSECUTOR**

**v**

**Radislav KRSTIĆ**

**DECISION ON PROSECUTION REQUEST FOR EXTENSION OF TIME**

**Counsel for the Prosecutor:**

**Mr Norman Farrell**

**Counsel for the Defence:**

**Mr Neneas Petrušić  
Mr Tomislav Višnjić**

**I, DAVID HUNT**, Pre-Appeal Judge

**NOTING** the “Motion for Disclosure of *Ex Parte* Communications” filed on 8 March 2002 (“Motion”) by Radislav Krstić (“Appellant”);

**NOTING** the “Prosecution’s Response to Appellant’s Motion for Disclosure of *Ex Parte* Communications filed 8 March 2002” filed on 22 March 2002 (“Response”), in which the prosecution requests a variation of the time limit in which to respond to the Motion;

**NOTING** that the “Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings Before the International Tribunal” (IT/155 Rev.1) (“Practice Direction”) establishes a time limit for the filing of responses of ten days after the filing of the motion, which was also the situation prior to the revision of IT/155 being issued, and that the prosecution’s Response should have been filed on 18 March 2002;

**NOTING** that the explanation given by the prosecution for the late filing of the Response is that it interpreted the introduction of Rule 126*bis* of the Rules of Procedure and Evidence (“Rules”) as being the provision establishing the time period in which responses and replies are to be filed. Rule 126*bis* provides that, unless otherwise ordered by a Chamber either generally or in the particular case, a response to a motion is to be filed within 14 days. Rule 19 provides that practice directions are to be consistent with the Rules. The prosecution interpreted Rule 126*bis* as overriding the obligation of the Practice Direction;

**NOTING** that the reference in Rule 126*bis* to orders by a Chamber generally is intended to include practice directions and that the prosecution was in error in the interpretation it made in relation to the effect of the introduction of Rule 126*bis* upon the Practice Direction;

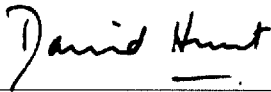
**CONSIDERING** that Part VII of the Practice Direction allows the Appeals Chamber to recognise as validly done any act done after the expiration of a time limit prescribed by the Practice Direction;

**PURSUANT** to Part VII of the Practice Direction;

**HEREBY** grant the extension of time and recognise the filing of the Response on 22 March 2002 as validly done.

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

Dated this 25<sup>th</sup> day of March 2002,  
At The Hague,  
The Netherlands.

  
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Judge David Hunt  
Pre-Appeal Judge

**[Seal of the Tribunal]**