

IT-95-14-A
A 16291 - A16289
12 JULY 2002 .

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AT

**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 No.: IT-95-14-A
Date: 12 July 2002
Original: English

IN THE APPEALS CHAMBER

Before: Judge Fausto Pocar, Pre-Appeal Judge
Registrar: Mr. Hans Holthuis
Decision of: 12 July 2002

PROSECUTOR

v.

TIHOMIR BLAŠKIĆ

**DECISION ON "PROSECUTION URGENT
REQUEST FOR AN ADDITIONAL EXTENSION OF TIME FOR ITS RESPONSE
TO THE APPELLANT'S THIRD 115 MOTION"**

The Office of the Prosecutor:

Mr. Norman Farrell

Counsel for the Appellant:

**Mr. Anto Nobile
Mr. Russell Hayman
Mr. Andrew M. Paley**

I, Fausto Pocar, Pre-Appeal Judge in the present case,

BEING SEISED OF the “Prosecution Urgent Request for an Additional Extension of Time for its Response to the Appellant’s Third 115 Motion”, filed confidentially by the Prosecution on 8 July 2002 (“Urgent Request”), whereby the Prosecution requests an additional extension of time until 31 August 2002 for the filing of its response to the “Appellant’s Third Motion to Admit Additional Evidence on Appeal pursuant to Rule 115” filed 10 June 2002 pursuant to Rule 115 of the Rules of the Procedure and Evidence of the International Tribunal (“Third Motion”);

NOTING that the Prosecution sets forth the following reasons for the Urgent Request, that:

- 1) confidentiality concerns require that the number of staff authorised to work on the response to the Third Motion be kept at a strict minimum;
- 2) in the course of preparing its response, the Prosecution has encountered repeated confusions regarding the identity of the witnesses whose statements are proffered through the Third Motion, which are not yet solved through communications with the counsel for the Appellant;
- 3) additional investigation, involving both a search through the “entire database of the Tribunal” and an investigation in Croatia and Bosnia and Herzegovina, will take considerable time and organisation to plan and execute; and
- 4) the Prosecution needs time to interview the witnesses whose statements are proffered through the Third Motion;

NOTING the “Appellant’s Response to Prosecution Urgent Request for an Additional Extension of Time for its Response to the Appellant’s Third Rule 115 Motion”, filed confidentially 12 July 2002, wherein the Appellant disputes the reasons given for the Urgent Request and considers an extension until 29 July 2002 acceptable to him;

NOTING that this is the second request by the Prosecution for extension of time in relation to the preparation of its response to the Third Motion, and the previous request, filed 17 June 2002 and seeking an extension until 24 July 2002, was granted on 18 June 2002 by a decision of the Pre-Appeal Judge, to the extent that the response in question should be filed by 15 July 2002;

CONSIDERING that reasons 1) and 2) given by the Prosecution for the Urgent Request are in effect repetitive of those given for the request of 17 June 2002, and reasons 3) and 4) could have been raised in that same request and no explanation has been provided as to why they were not included therein;

PURSUANT TO Rule 107 and Rule 65*ter* of the Rules of Procedure and Evidence of the International Tribunal,

HEREBY DECIDE to partly grant the Urgent Request to the extent that the Prosecution shall by 10 August 2002 file its response to the Third Motion, and **REMIND** the Prosecution to prepare the response in conformity with the page limit set by the decision of the Pre-Appeal Judge of 18 June 2002; and

ALLOW the Appellant to file by 30 August 2002 his reply, if any, to the Prosecution's response, in accordance with provision (C) 5 of the Practice Direction on the Length of Briefs and Motions (IT/184 Rev.1) of the International Tribunal.

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



Fausto Pocar
Pre-Appeal Judge

Done this twelfth day of July 2002
At The Hague,
The Netherlands.

[Seal of the Tribunal]