



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of
Former Yugoslavia since 1991

Case No. IT-95-9-T
Date: 27 September
2002
Original: English

IN TRIAL CHAMBER II

Before: Judge Florence Ndepele Mwachande Mumba, Presiding
Judge Sharon A. Williams
Judge Per-Johan Viktor Lindholm

Registrar: Mr. Hans Holthuis

Judgement of: 27 September 2002

PROSECUTOR

v.

**BLAGOJE SIMIĆ
MIROSLAV TADIĆ
SIMO ZARIĆ**

**DECISION ON PROSECUTION MOTION FOR EXTENSION
OF TIME TO FILE REDACTED RESPONSE**

The Office of the Prosecutor:

Mr. Gramsci Di Fazio
Mr. Philip Weiner
Mr. David Re

Counsel for the Accused:

Mr. Igor Pantelić and Mr. Srdjan Vuković for Blagoje Simić
Mr. Novak Lukić and Mr. Dragan Krgović for Miroslav Tadić
Mr. Borislav Pisarević and Mr. Aleksandar Lazarević for Simo Zarić

THIS TRIAL 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 (“Tribunal”),

BEING SEISED OF the “Motion Requesting Extension of Time to file Public Redacted Version of Prosecution Response to Accused’s Motions for Acquittal Pursuant to Rule 98bis” (“Prosecution Motion”) filed by the Office of the Prosecutor (“Prosecution”) on 26 September 2002,

NOTING the “Defendant Blagoje Simić’s Motion for Judgement of Acquittal” filed on 13 September 2002, the “Motion for Judgement of Acquittal of the Accused Miroslav Tadić” filed confidentially on 13 September 2002 and the “Motion for Judgement of Acquittal filed by the Accused Simo Zarić pursuant to Rule 98bis” filed confidentially on 13 September 2002 (collectively “Motions”),

NOTING the Motion Requesting Extension of Time to Respond to Accuseds’ Motions for Acquittal Under Rule 98bis and to Exceed Page Limits Permitted for the Prosecution Response” filed by the Prosecution on 16 September 2002 and the decision of this Trial Chamber dated 19 September 2002 (“Decision of 19 September 2002”),

NOTING the “Motion for Directions in relation to the Prosecution’s Public Filing of its Response to the Defence Motions for Rule 98bis Acquittal” (“Prosecution Motion for Directions”) filed by the Prosecution on 23 September 2002 and the order of this Trial Chamber dated 24 September 2002 (“Order of 24 September 2002”),

NOTING that the Order of 24 September 2002 ordered the Prosecution to file (i) a public redacted version and (ii) a confidential version of its response to the Motions “by 27 September 2002”,

NOTING that in the Prosecution Motion, the Prosecution submits that “it [sic] not confident that it can properly redact every reference to closed or private session testimony for filing simultaneously with its confidential version on the 27th September”,

CONSIDERING that the Decision of 19 September 2002 has previously granted the Prosecution an extension of time to file its response to the Motions,

CONSIDERING that in the Prosecution Motion for Directions, the Prosecution submitted that “[a]nother alternative may be for the Prosecution to file a confidential Response *with* (or followed by) a redacted public Response” (emphasis added),

CONSIDERING that the Order of 24 September 2002 was made on the basis of the options presented by the Prosecution in the Prosecution Motion for Directions,

CONSIDERING that the Prosecution has represented to this Trial Chamber that it was in a position to file a confidential response *with* a redacted public response to the Motions by 27 September 2002,

CONSIDERING that the Prosecution should proceed in a diligent manner to make good its representation to this Trial Chamber in the light of the previous extension of time already granted,

CONSIDERING ALSO that the Prosecution Motion was filed on 26 September 2002, one day before the expiry of the time limit for the Prosecution to file its response to the Motions,


CONSIDERING that Rule 127 of the Rules of Procedure and Evidence of the Tribunal (“Rules”) require that “good cause” be shown when requesting a variation in time limits,

CONSIDERING that no good cause has been shown by the Prosecution Motion,

PURSUANT TO Rules 54 and 127 of the Rules and Procedure and Evidence of the Tribunal,

HEREBY DENIES the Prosecution Motion.

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



Florence Ndepele Mwachande Mumba
Presiding

Done this twenty seventh day of September 2002,
At The Hague,
The Netherlands.

[Seal of the Tribunal]