



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-94-2-PT
Date: 22 October 2002
Original: English

IN TRIAL CHAMBER II

Before: Judge Carmel Agius, Pre-Trial Judge

Registrar: Mr. Hans Holthuis

Decision of: 22 October 2002

PROSECUTOR

v.

DRAGAN NIKOLIĆ

**DECISION ON DEFENCE MOTION TO VARY TIME LIMITS
PURSUANT TO RULE 127**

The Office of the Prosecutor:

Mr. Upawansa Yapa

Counsel for the Accused:

Mr. Howard Morrison

I, Carmel Agius, Judge 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”) and Pre-Trial Judge in these proceedings:

BEING SEISED OF the “Defence Motion to Vary Time Limits Pursuant to Rule 127”, filed on behalf of the Accused Dragan Nikolić (“Accused”) on 18 October 2002 (“Motion”);

NOTING that the Accused requests an extension of the date for filing the pre-trial brief from the existing date of 24 October to the date of 29 November 2002 pursuant to Rule 127 of the Rules of Procedure and Evidence (“Rules”);

NOTING that during the Status Conference on 23 July 2002, and in accordance with Rule 65^{ter} (E) and (F) of the Rules, the Prosecution was instructed to file its pre-trial brief on or around 3 October 2002, while the Defence was ordered to file a pre-trial brief by not later than 24 October 2002, given that the trial would commence on 18 November 2002;¹

CONSIDERING that under Rule 127 (A) (i) a time limit prescribed by or under the Rules can be enlarged on good cause being shown;

CONSIDERING that the Accused bases his request for extension of time in particular upon the assertion that the trial will not commence before early 2003 and that, in the view of this delayed trial date, it is in the interest of all parties to submit a pre-trial brief as comprehensive as possible;

CONSIDERING that the Accused states in his Motion that “[i]t is the understanding of the defence that the [P]rosecution has no objection to such extension in principle as all parties are *ad idem* as to the value of these matters being fully considered and set out prior to any trial”

CONSIDERING ALSO that further consultation with the Senior Legal Officer assigned to this Trial Chamber indicated that the Prosecution as such does not object to the extension of time in the light of the delayed trial date;

CONSIDERING that good cause has been shown;

¹ Unofficial Transcript of the Status Conference dated 23 July 2002, T. 90-91.

FOR THE FOREGOING REASONS

PURSUANT TO Rule 127 of the Rules;

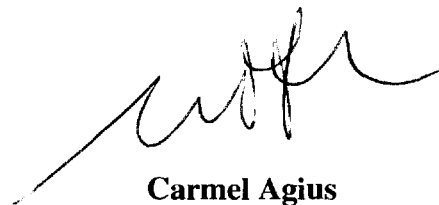
HEREBY GRANT the Motion and **ORDER** that the pre-trial brief on behalf of the Accused will be filed on or before 29 November 2002.

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

Dated this 22nd day of October 2002,

At The Hague

The Netherlands



Carmel Agius

Pre-Trial Judge

[Seal of the Tribunal]