

IT-01-47-PT
D4660-D4659
12 DECEMBER 2002

4660 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 No: IT-01-47-PT
Date: 12 December 2002
Original: English

IN TRIAL CHAMBER II

Before: Judge Florence Ndepele Mwachande Mumba, Pre-Trial Judge
Registrar: Mr Hans Holthuis
Order of: 12 December 2003

PROSECUTOR

v

**ENVER HADŽIHASANOVIĆ
MEHMED ALAGIĆ
AMIR KUBURA**

ORDER TO FILE RESPONSE

The Office of the Prosecutor:

Mr Ekkehard Withopf

Counsel for the Accused:

Ms Edina Rešidović and Mr Stéphane Bourgon for Enver Hadžihasanović
Mr Vasvija Vidović and Mr John Jones for Mehmed Alagić
Mr Fahrudin Ibrišimović and Mr Rodney Dixon for Amir Kubura

I, Florence Ndepele Mwachande Mumba, Pre-Trial Judge,

BEING SEISED of a joint Defence Motion¹ on the form of the Amended Indictment,² the Prosecution's Response thereto,³ and the joint Defence's Reply to the Response;⁴

NOTING that the Prosecution did not respond to objections numbers four (4), eleven (11) and twelve (12) raised in the Motion ("three objections"), for the reason provided, and that the Prosecution reserved the right to respond to each of the three objections should the Trial Chamber so request;⁵

CONSIDERING that in the event that the Trial Chamber has to decide on the Motion, the Trial Chamber would have to do so speedily in order to complete the pre-trial phase at the provisionally scheduled time;

CONSIDERING that it may then be necessary for the Trial Chamber to consider the response of the Prosecution to the three objections, should the Trial Chamber decide to entertain these objections;

NOTING that this Order is without any prejudice to either party in any respect;

NOTING that the Defence has to apply for leave to file a reply, if any, to the Prosecution response to the three objections;

HEREBY ORDERS the Prosecution to file a response to the three objections by no later than Friday, 3 January 2003.

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

Done the twelfth day of December 2002
At The Hague
The Netherlands



Florence Ndepele Mwachande Mumba
Pre-trial Judge

[Seal of the Tribunal]

¹ "Joint Response on the Form of the Amended Indictment", 21 Feb 2002.

² Filed on 11 Jan 2002, and appended to "Prosecutor's Amended Indictment", 11 Jan 2002.

³ "Prosecution's Response to the "Joint Response on the Form of the Amended Indictment"", 8 Mar 2002.

⁴ "Joint Reply to the 'Prosecution's Response to the 'Joint Response on the Form of the Amended Indictment'""", 20 Mar 2002.

⁵ Response, pars 3 and 4.