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UNITED NATIONS

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-02-60-PT

Date: 8 January 2003

Original: English

IN TRIAL CHAMBER II

Before: **Judge Wolfgang Schomburg, Presiding**
Judge Florence Ndepele Mwachande Mumba
Judge Carmel Agius

Registrar: **Mr. Hans Holthuis**

Decision of: **8 January 2003**

PROSECUTOR

v.

VIDOJE BLAGOJEVIĆ
DRAGAN OBRENOVIĆ
DRAGAN JOKIĆ
MOMIR NIKOLIĆ

Decision on Accused Blagojević's Request for Extension of Time to File Defense Pre-Trial Brief

The Office of the Prosecutor:

Mr. Peter McCloskey

Counsel for the Accused:

Mr. Michael Karnavas and Ms. Suzana Tomanović for Vidoje Blagojević
Mr. David Wilson and Mr. Dušan Slijepčević for Dragan Obrenović
Mr. Miodrag Stojanović and Ms. Cynthia Sinatra for Dragan Jokić
Mr. Veselin Londrović and Mr. Stefan Kirsch for Momir Nikolić

TRIAL CHAMBER II ("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 SEIZED OF "Accused Blagojević's Request for Extension of Time to File Defense Pre-Trial Brief," ("Request") filed on 6 January 2003 by defence counsel ("Defence") for Vidoje Blagojević ("Accused"), in which the Defence seek a 10-day extension to file its pre-trial brief,

NOTING the Scheduling Order of 6 December 2002 in which the Trial Chamber extended the deadline for the filing of the defence pre-trial briefs for all accused in this case by one month (until 10 January 2003) due to the fact that the prosecution pre-trial brief had not yet been translated into a language that any of the accused in this case could understand,

NOTING FURTHER that the Scheduling Order confirmed an order made at the Status Conference on 27 November 2002 that the prosecution pre-trial brief be translated into BCS by 10 December 2002,

CONSIDERING that the Defence and Accused were aware of the time-frame for reviewing and consulting on the prosecution pre-trial brief in order to meet the Trial Chamber's extended deadline of 10 January 2003 for the defence pre-trial brief since 27 November 2002,

CONSIDERING that the extension for filing the defence pre-trial brief was given in order for the Accused to review the prosecution pre-trial brief,

CONSIDERING that the Trial Chamber was not notified by any party of any difficulties regarding the translation of the prosecution pre-trial brief into BCS by 10 December 2002, and that, upon its request, the Trial Chamber was informed by the Registry that the BCS version of the prosecution pre-trial brief was filed on 12 December 2002,

CONSIDERING that the Request states that it is being made in order for the Accused to review a translated version of the defence pre-trial brief that will be filed on his behalf,

CONSIDERING FURTHER that the Request states that the Defence and Accused have not had an "opportunity to discuss in person the translated version of the Prosecution Pre-Trial Brief" and that such consultations will not be possible prior to 15 January 2003,

CONSIDERING that the Defence states that it is prepared to file its pre-trial brief on 10 January 2003, as ordered by the Trial Chamber, if the extension is not granted,

CONSIDERING that no good cause has been shown to warrant a further extension of time to file the defence pre-trial brief,

CONSIDERING FURTHER that the Scheduling Order provides for the filing of an amendment, if necessary, to each of the defence pre-trial briefs within 30 days of the date that the BCS version of the prosecution's "Butler Report" is filed, and that any modifications to the defence pre-trial brief resulting from "in person" consultations between the Defence and the Accused can be incorporated into the amendment,

HEREBY DENIES the Request.

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

W. Schomburg

Judge Wolfgang Schomburg
Presiding

Dated this eighth day of January 2003,
At The Hague
The Netherlands

[Seal of the Tribunal]