



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-02-65-PT
Date: 28 March 2003
Original: ENGLISH

IN THE TRIAL CHAMBER

Before: Judge Richard May, Presiding
Judge Patrick Robinson
Judge O-Gon Kwon

Registrar: Mr. Hans Holthuis

Decision of: 28 March 2003

PROSECUTOR

v.

**ŽELJKO MEAKIĆ
MOMČILO GRUBAN
DUŠAN FUŠTAR
PREDRAG BANOVIĆ
DUŠKO KNEŽEVIĆ**

**DECISION ON DEFENCE REQUESTS FOR AN EXTENSION OF TIME IN WHICH
TO FILE THEIR PRE-TRIAL BRIEFS**

The Office of the Prosecutor:

Ms. Joanna Korner

Counsel for the Accused:

Ms. Sanja Turlakov, for Momčilo Gruban
Mr. Theodore Scudder and Mr. Dragan Ivetić, for Dušan Fuštar
Ms. Slobodanka Nedić and Mr. Thomas Moran, for Duško Knežević
Mr. Jovan Babić and Mr. Thomas Rothpfeffer, for Predrag Banović

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 (“International Tribunal”),

BEING SEISED of Dušan Fuštar’s Motion for Enlargement of Time to File a Pre-trial Brief, filed on 26 March 2003 (“Fuštar Motion”), and the Defense Request for an Extension of Time in which to File its Pre-trial Brief, filed by the Defence of Predrag Banović on 26 March 2003 (“Banović Motion”),

NOTING that the Defence of Dušan Fuštar submits that the forgoing engagements and unforeseen circumstances, as set in the Fuštar Motion, have delayed its ability to properly and fully respond to the Prosecution’s Pre-trial Brief and, therefore, requests that the Trial Chamber enlarge the time for filing of the defence Pre-trial Briefs, at least by thirty days from the due date of 31 March 2003, and to grant at least twenty-one days after (i) a decision on the Consolidated Indictment is rendered, and (ii) a BCS translation of the Prosecution’s Pre-trial Brief is made available to the Accused, for the Pre-trial Brief to be filed, and for such other relief as may be required,

NOTING that the Defence of Predrag Banović requests that it be granted an additional fourteen days to file its Pre-trial Brief, from the day it receives the Trial Chamber’s Decision on the Preliminary Motion,

NOTING the status conference held on 10 December 2002, in which the Pre-trial Judge ordered the Defence to file its Pre-trial Brief no later than 31 March 2003,

NOTING the Defence Preliminary Motion, filed by the Defence of Predrag Banović on 18 December 2002, and the Defendant, Dušan Fuštar’s Preliminary Motion, Pursuant to Rule 72, Objecting to Defects in the Form of the Consolidated Indictment”, filed by the Defence for the accused Fuštar on 24 December 2002,

NOTING the Prosecution’s Pre-trial Brief Pursuant to Rule 65^{ter} (E)(i), filed by the Prosecution on 7 February 2003,

NOTING the Decision on Defence Request for an Extension of Time in which to File its Pre-trial Brief, filed on 24 March 2003, in which the Trial Chamber granted the Motion and decided that the Defence of Momčilo Gruban would have an additional fourteen days to file its Pre-trial Brief, from

the day it receives the Trial Chamber's decision on the Preliminary Motion,


CONSIDERING that the Trial Chamber has not yet rendered its decision on the Defence Preliminary Motion,

CONSIDERING that the Defence submit that they have no indictment to which to file their Pre-trial Brief against,

PURSUANT TO Rules 54 and 73 of the Rules of Procedure and Evidence of the International Tribunal,

HEREBY GRANTS the Motion and **DECIDES** that the Defence of Dušan Fuštar, Predrag Banović and, by extension, Duško Knežević, will have an additional fourteen days to file their Pre-trial Briefs, from the day they receive the Trial Chamber's decision on the Preliminary Motion.

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


Richard May
Presiding Judge

Dated this twenty-eighth day of March 2003
At The Hague
The Netherlands