

IT-02-60-T  
D18458-D18456  
01 JULY 2003

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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-T  
Date: 1 July 2003  
Original: English

**IN TRIAL CHAMBER I, SECTION A**

**Before:** Judge Liu Daqun, Presiding  
Judge Volodymyr Vassylenko  
Judge Carmen Maria Argibay

**Registrar:** Mr. Hans Holthuis

**Decision of:** 1 July 2003

**PROSECUTOR**

v.

**VIDOJE BLAGOJEVIĆ  
DRAGAN JOKIĆ**

***CONFIDENTIAL***

**DECISION ON MOTION BY INDEPENDENT COUNSEL IN  
RELATION TO RESPONSE TO COUNSEL'S AND CO-  
COUNSEL'S AND THE REGISTRAR'S RESPONSE TO  
INDEPENDENT COUNSEL'S MOTION TO INSTRUCT THE  
REGISTRAR TO ASSIGN NEW DEFENCE COUNSEL**

**The Office of the Prosecutor:**

Mr. Peter McCloskey

**Counsel for the Accused:**

Mr. Michael Karnavas and Ms. Suzana Tomanović for Vidoje Blagojević  
Mr. Miodrag Stojanović and Ms. Cynthia Sinatra for Dragan Jokić

**Independent Counsel for Mr. Vidoje Blagojević**

Mr. Jan Sjöcrona

**TRIAL CHAMBER I, SECTION A**, (“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 by Independent Counsel in Relation to Response to Counsel’s and Co-Counsel’s and the Registrar’s Response to Independent Counsel’s Motion to Instruct the Registrar to Assign New Defence Counsel,” filed confidentially and *ex parte* by the Independent Counsel of Vidoje Blagojević (“Independent Counsel”) on 27 June 2003 (“Motion for Extension of Time”), whereby the Independent Counsel requests an extension of time to file the Reply until 18 August 2003,

**NOTING** the “Independent Counsel for Vidoje Blagojević’s Motion to Instruct Registrar to Appoint New Lead and Co-Counsel”, filed confidentially and *ex parte* on 5 June 2003 (“Motion”),

**NOTING** the “Motion of the Registrar,”<sup>1</sup> filed confidentially and *ex parte* on 11 June 2003 (“Registrar’s Response”); the “Prosecution’s Response to Independent Counsel for Vidoje Blagojević’s Motion to Instruct Registrar to Appoint New Lead and Co-Counsel,” filed confidentially and *ex parte* on 12 June 2003 (“Prosecution’s Response”); and the “Counsel’s and Co-Counsel’s Response to the Motion by Independent Counsel,” filed confidentially and *ex parte* on 16 June 2003 (“Counsel’s Response”),

**NOTING** the Trial Chamber’s “Order to Lift Confidentiality and Scheduling Order,” filed confidentially on 17 June 2003, whereby the Trial Chamber stated that it is “in the interests of justice that Mr. Blagojević, through the independent legal counsel, file a Reply to Counsel’s Response” and ordered the Independent Counsel to file a Reply by 27 June 2003,

**NOTING** the Trial Chamber’s “Decision on Prosecution’s Motion for a Stay of Proceedings Pending Resolution of the Issue of Vidoje Blagojević’s Representation,”<sup>2</sup> filed confidentially on 18 June 2003, whereby the Trial Chamber ordered that the adjournment of trial proceedings continues until 7 July considering that “upon receiving and considering the Independent Counsel’s reply, the Trial Chamber shall issue its written decision on the Independent Counsel’s Motion”,

**NOTING** that the Motion for Extension of Time submits, that (i) when Independent Counsel visited Vidoje Blagojević on 24 June 2003 his client had not been given a translation of the Registrar’s Response and the Counsel’s Response yet; (ii) during the Independent Counsel’s “visit

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<sup>1</sup> Response of the Registrar to the “Independent Counsel for Vidoje Blagojević’s Motion to Instruct Registrar to Appoint New Lead and Co-Counsel”.

of 2 hours to Mr. Blagojević it proved to be impossible to discuss with him (via an interpreter) the contents of the lengthy responses by counsel, co-counsel and the Registrar”;<sup>3</sup> and (iii) “[d]ue to independent counsel’s summer holiday (abroad) with his family, effective 27 June and lasting 4 weeks, it is unfortunately impossible to provide the Trial Chamber with the response it has requested to be provided by 27 June”;

**CONSIDERING** that both Accused in this case enjoy the right to a fair and expeditious trial under Articles 20 and 21 of the Statute of the Tribunal,

**CONSIDERING** that the trial proceedings are scheduled to continue on 7 July 2003, wherefore a decision on the Motion must be issued as soon as possible,

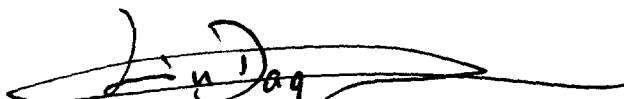
**CONSIDERING** that the Motion for Extension of Time was filed the same date as the Reply was due and that the Independent Counsel has not brought the submissions made in the Motion for extension of time to the Trial Chamber’s attention at an earlier stage,

**CONSIDERING** further that the only grounds advanced by Independent Counsel are that he left on family vacation for four weeks beginning only on the date that the Reply was due and that he did not find the two hours he met with Vidoje Blagojević sufficient time to discuss the Registrar’s Response and the Counsel’s and Co-Counsel’s Response without giving any explanation for only meeting with Vidoje Blagojević for two hours,

**CONSIDERING** therefore that no good cause has been shown in the Motion for Extension of Time to warrant an extension of time to file a Reply until 18 August 2003,

**HEREBY DENIES** the Motion for Extension of Time.

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



Judge Liu Daqun  
Presiding

Dated this first day of July 2003,  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**

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<sup>2</sup> See, “Prosecution’s Motion for a Stay of Proceedings Pending Resolution of the Issue of Vidoje Blagojević’s Representation”, filed confidentially on 17 June 2003.

<sup>3</sup> Motion for Extension of Time, para. 4.