

**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-02-65-PT
Date: 18 September 2003
Original: ENGLISH

IN THE TRIAL CHAMBER

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

Registrar: Mr. Hans Holthuis

Order of: 18 September 2003

PROSECUTOR
v.
ŽELJKO MEJAKIĆ
MOMČILO GRUBAN
DUŠAN FUŠTAR
DUŠKO KNEŽEVIĆ

PARTLY CONFIDENTIAL

**ORDER CONCERNING
DEFENCE REQUEST FOR EXTENSION OF TIME**

The Office of the Prosecutor:

Ms. Joanna Korner
Ms. Ann Sutherland

Counsel for the Accused:

Mr. Jovan Simić, for Željko Mejačić
Ms. Sanja Turlakov, for Momčilo Gruban
Mr. Theodore Scudder and Mr. Dragan Ivetić, for Dušan Fuštar
Ms. Slobodanka Nedić, for Duško Knežević

I, PATRICK ROBINSON, 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 (“the International Tribunal”),

HAVING BEEN APPOINTED as pre-trial Judge in this matter by virtue of Orders of the Trial Chamber dated 10 December 2001 and 16 May 2002,

BEING SEISED of a “Defence Request for an Extension of Time to File the Preliminary Motion”, filed on 8 September 2003 (“Request”), filed by the Defence for Željko Mejačić (“Defence”), in which the Defence alleges that the Office of the Prosecutor (“Prosecution”) has failed to complete disclosure of the supporting material which accompanied the indictment on confirmation and to specify the indictment as ordered by the pre-trial Judge on 23 July 2003, and therefore requests an extension of time to run from the day on which the Prosecution complies with such order,

NOTING the response filed by the Prosecution on 12 September 2003 (“Prosecution Response”) objecting to the extension of time on the basis that all material subject to disclosure was provided to the Defence on 22 July 2003 and that the Prosecution filed a Notice on 21 August 2003 confirming that no amendment to the indictment or its schedules is required (“Prosecution Notice”),

NOTING that on 15 September 2003 the Defence submitted a reply to the Prosecution Response (“Defence Reply”), without first seeking leave of the Trial Chamber pursuant to Rule 126 *bis* of the Rules of Procedure and Evidence of the International Tribunal (“Rules”),

CONSIDERING that the Defence confirms in its Reply that the Prosecution has provided material “whose disclosure was not mandatory under Rule 66 (A)(ii)” and that the “basic reason why the Defence has requested the extension of time [is] that the Prosecution has failed to provide it with the schedule that relates to the Accused by the 20th of August 2003, as ordered by the Judge”,

CONSIDERING that the Prosecution asserts that it has complied with its obligation to complete disclosure by 6 August 2003 of all Rule 66 (A)(i) material,

CONSIDERING that the direction for disclosure applied only to Rule 66 (A)(i) material, and not to Rule 66 (A)(ii) material as stated by the Defence¹

¹ Defence Reply to the Prosecution’s Response to the ‘Defence Request for an Extension of Time to File its Preliminary Motion’, 15 Sept. 2003, para. 3.

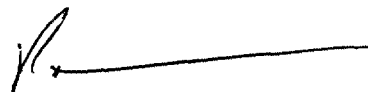
CONSIDERING that the Defence asserts that it has not received the Schedules A, B and E attached to the indictment and relating to the accused, copies of which are annexed to this Order,

PURSUANT TO Rules 54 and 126 *bis* of the Rules of Procedure and Evidence of the International Tribunal

HEREBY ORDER as follows:

- (1) leave is hereby granted accepting the filing of the Defence Reply of 15 September 2003;
- (2) the Defence shall, no later than Thursday 25 September 2003, file a further reply to the Prosecution Response specifying:
 - (a) what, if any, further material remains to be disclosed under Rule 66 (A)(i); and
 - (b) whether it has, in fact, previously received copies of Schedules A, B and E to the indictment; and
- (3) the time-limit for filing of the Defence preliminary motion is suspended pending further Order.

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



Patrick Robinson
Pre-trial Judge

Dated this eighteenth day of September 2003
At The Hague
The Netherlands