



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-99-37-PT
Date: 11 October 2004
Original: English

IN THE TRIAL CHAMBER

Before: Judge Patrick Robinson, Presiding
Judge O-Gon Kwon
Judge Iain Bonomy

Registrar: Mr. Hans Holthuis

Decision of: 11 October 2004

PROSECUTOR

v.

**MILAN MILUTINOVIĆ
NIKOLA ŠAINOVIĆ
DRAGOLJUB OJDANIĆ**

**ORDER TO PROSECUTION EXTENDING
TIME TO RESPOND TO DEFENCE NOTICES
PURSUANT TO RULE 94 *bis*(B)**

The Office of the Prosecutor

Mr. Geoffrey Nice
Ms. Cristina Romano

Counsel for Milan Milutinović

Mr. Eugene O'Sullivan
Mr. Slobodan Zečević

Counsel for Nikola Šainović

Ms. Toma Fila
Mr. Vladimir Petrović

Counsel for Dragoljub Ojdanić

Mr. Tomislav Višnjić
Mr. Peter Robinson

I, **Iain Bonomy**, 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 (“International Tribunal”),

HAVING BEEN DESIGNATED as the pre-trial Judge in this case by virtue of an Order of the Trial Chamber dated 30 August 2004,¹

BEING SEISED OF the “Prosecution’s Request for Extension of Time to Respond to Defence Notices pursuant to Rule 94 *bis* (B)” filed on 5 October 2004 (“Prosecution’s Request”), in which the Prosecution requests an extension to the 7 day deadline granted by the Pre-Trial Judge in his “Further Order to Prosecution to Respond to Defence Notices pursuant to Rule 94 *bis* (B)”, dated 29 September 2004, with regard to eight expert reports which had been disclosed by the Prosecution in 2003 and early 2004,²

NOTING that it was at the suggestion, and with the agreement, of the Prosecution that I ordered the Prosecution to respond to the Defence Notices within two weeks,³ and that the period of two weeks was extended by only 7 days in light of the Prosecution’s original indication that two weeks would be sufficient time in which to respond,

NOTING, however, the submissions made in the Prosecution’s Request that it misinterpreted the oral order and requires further time to respond as ordered,⁴

CONSIDERING that, as no date has yet been set for trial, there is no prejudice to the proper administration of justice in permitting the Prosecution a further extension of time in which to file its response to the Defence Notices and that to do so may expedite the proceedings at trial,

PURSUANT TO Rule 54 and Rule 94 *bis* of the Rules of Procedure and Evidence

¹ *Prosecutor v. Milutinović, Šainović and Ojdanić*, Case No. IT-99-37-PT, “Order Designating Pre-Trial Judge”, 30 August 2004.

² The expert reports concerned pertain to Budimir Babović, Dr. Eric Baccard, Patrick Ball, Helge Brunborg, Sir Peter De La Billiere, Ivan Kristan, Andreas Riedlmayer and Morten Torkildsen. The Trial Chamber has ordered the Prosecution to disclose the final versions of the outstanding four expert reports by 28 October 2004; *Prosecutor v. Milutinović, Šainović and Ojdanić*, IT-99-37-PT, “Scheduling Order for Filing of Notices Pursuant to Rule 94 *bis*”, 28 July 2004.

³ *Prosecutor v. Milutinović, Šainović and Ojdanić*, Case No. IT-99-37-PT, Hearing, 15 September 2004, T. 704.

⁴ *Prosecutor v. Milutinović, Šainović and Ojdanić*, Case No. IT-99-37-PT, “Prosecution’s Request for Extension of Time to Respond to Defence Notices pursuant to Rule 94 *bis* (B) with Annex A”, 5 October 2004, para. 7.

HEREBY GRANT the Prosecution's Request for extension of time to respond to the Defence Notices pursuant to Rule 94 *bis* (B), allowing the Prosecution 30 days in which to respond from the date of this order.

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



Iain Bonomy
Pre-Trial Judge

Dated this eleventh day of October 2004
At The Hague
The Netherlands

[Seal of the Tribunal]