



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-97-25/1-PT
Date: 19 January 2005
Original: English
French

BEFORE THE PRE-TRIAL JUDGE

Before: Judge Jean-Claude Antonetti

Registrar: Mr Hans Holthuis

Decision of: 19 January 2005

THE PROSECUTOR

v.

MITAR RAŠEVIĆ

**ORDER ON PROSECUTION'S MOTION FOR EXTENSION OF TIME FOR FILING
OF DOCUMENTS PURSUANT TO RULE 65 TER OF THE RULES**

The Office of the Prosecutor:

Ms Hildegard Uertz-Retzlaff
Mr William Smith
Ms Christina Moeller

Defence Counsel:

Mr Vladimir Domazet

I, Jean-Claude Antonetti, 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 (“Tribunal”);

NOTING my designation as pre-trial Judge in this case by virtue of an order issued by Trial Chamber II on 7 October 2003;

NOTING the oral decision rendered by the pre-trial Judge at the pre-trial conference on 4 November 2004, in which the pre-trial Judge requested the Prosecution to file the final version of its pre-trial brief, the list of witnesses which it intends to call and the list of exhibits it intends to offer pursuant to Rule 65 *ter*(E)(i), (ii) and (iii) of the Rules of Procedure and Evidence (“Rules”) by 10 February 2005;

NOTING the Partly Confidential Motion by the Prosecutor under Rule 11 *bis* of the Rules with Annexes I and II and Confidential Annexes III and IV of 4 November 2004;

NOTING the order of the pre-trial Judge dated 4 November 2004 seising Trial Chamber II with the referral of the case;

NOTING the order of the President of the Tribunal of 5 November 2004 stating the composition of a Trial Chamber which is responsible for determining whether an indictment must be referred to another court pursuant to Rule 11 *bis* of the Rules, in which the President of the Tribunal orders that the Trial Chamber responsible for determining whether the present case will be referred to the authorities of Bosnia and Herzegovina pursuant to Rule 11 *bis* of the Rules shall be composed of Judge Alphons Orie, Judge O-Gon Kwon and Judge Kevin Parker;

NOTING the confidential Prosecution’s Motion for Extension of Time for filing of Rule 65 *ter* Submissions (“Motion”) of 14 January 2005, in which the Prosecutor requests that those documents be filed by 1 April 2005;

NOTING, in particular, Rule 65 *ter* of the Rules;

CONSIDERING that the Motion is addressed to Trial Chamber II;

CONSIDERING however that, pursuant to Rules 65 *ter*(B), (D)(ii), (E), (F) and (K) of the Rules, the pre-trial Judge shall set the time-limits pertaining to the parties' obligations during the pre-trial phase;

CONSIDERING that, under these circumstances, it is for the pre-trial Judge in this case to rule on the Motion;

CONSIDERING that, in the Motion, the Prosecution presents convincing grounds which may justify an extension of time to file the documents provided for under Rule 65 *ter* (E)(i), (ii) and (iii) of the Rules;

CONSIDERING that, pursuant to Rule 65 *ter*(B), the pre-trial Judge shall, under the authority and supervision of the Trial Chamber seised of the case, ensure that the proceedings are not unduly delayed and shall take any measure necessary to prepare the case for a fair and expeditious trial;

CONSIDERING, moreover, that it is in the interests of justice and the parties to take into consideration any initiative which seeks to ensure that an accused be tried as soon as possible;

CONSIDERING, thus, that the Prosecutor should be allowed to file the documents required by Rule 65 *ter*(E)(i), (ii) and (iii) of the Rules by 1 April 2005;

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FOR THE FOREGOING REASONS,

ORDER that the Prosecutor file the documents required under Rule 65 *ter*(E)(i), (ii) and (iii) of the Rules by 1 April 2005.

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

Done this nineteenth day of January 2005
At The Hague
The Netherlands

(signed)

Jean-Claude Antonetti