



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-95-14-R77.2
Date: 28 June 2005
Original: English

IN THE TRIAL CHAMBER

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

Registrar: Mr. Hans Holthuis

Decision of: 28 June 2005

PROSECUTOR

v.

**IVICA MARIJAČIĆ
MARKICA REBIĆ**

**DECISION ON PROSECUTION MOTION FOR
EXTENSION OF TIME**

The Office of the Prosecutor:

Mr. David Akerson

Counsel for Ivica Marijačić

Mr. Marin Ivanović

Counsel for Markica Rebić

Mr. Krešmir Krsnik

I, **O-GON KWON**, 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 pre-trial Judge in this matter by virtue of an Order of 27 May 2005,

BEING SEISED of a “Prosecution Motion for Extension of Time” filed by the Office of the Prosecutor (“Prosecution”) on 27 June 2005 seeking an extension of time to file a response to (a) “Defendant Ivica Marijačić’s Motion to dismiss the Indictment pursuant to Rule 72 of the Rules of Procedure and Evidence on the basis of (1) defects in the form of the Indictment (vagueness/lack of adequate notice of charges), (2) lack of personal jurisdiction (*ratione personae*) and (3) lack of subject matter jurisdiction (*ratione materiae*)” filed on 14 June 2005, and (b) “Preliminary Motion of the Accused Markica Rebić to dismiss the Indictment on the grounds of lack of jurisdiction and defects in the form of the Indictment” filed on 23 June 2005; the Prosecution requests to be allowed to file its response to (a) and (b) within seven days from the decision of the Trial Chamber on the “Motion for Leave to Amend Indictment” filed by the Prosecution on 23 June 2005 (“Application for Extension of Time”),

CONSIDERING that Rule 126*bis* of the Rules of the Procedure and Evidence (“Rules”) provides:

Unless otherwise ordered by a Chamber either generally or in the particular case, a response, if any, to a motion filed by a party shall be filed within fourteen days of the filing of the motion.
[...]

CONSIDERING that, in the absence of any other order by the Trial Chamber, any Prosecution’s Response to (a) is due today, 28 June 2005, and any response to (b) is due on 7 July 2005,

NOTING the “Motion for Leave to Amend Indictment” filed by the Prosecution on 23 June 2005 seeking leave to amend the Indictment to include “additional detail on the protection orders that were violated, as well as clarifying the provisions of Rule 77 the accused is alleged to have violated” (“Motion to Amend the Indictment”),

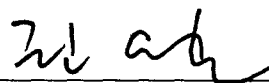
NOTING the arguments advanced in support of the Application for Extension of Time that (1) it may be that the decision of the Trial Chamber on the Motion to Amend the Indictment will determine or eliminate the issues in dispute, therefore, any response and reply to the response would become moot, and (2) the extension would cause no prejudice to the Accused and it “should speed up rather than delay the proceedings by allowing the parties to focus on valid issues”,

CONSIDERING that (1) the Prosecution asserts in the Motion to Amend the Indictment that it “does not agree with the arguments put forth by Marijacić [in (a)]”, presumably, therefore, the amendments sought to be introduced in the same might not address the specific arguments set out in (a), (2) irrespective of the outcome on the Motion to Amend the Indictment, there would be outstanding issues raised in (a) and (b) that would have to be determined, (3) the Prosecution has not provided any other reason to extend the time-limit, and (4) any extension of time would therefore only lead to a piecemeal resolution of the issues raised in (a) and (b),

PURSUANT TO Rules 54, 65*ter* and 126*bis* of the Rules,

HEREBY DENY the Application for Extension of Time.

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



Judge O-Gon Kwon
Pre-Trial Judge

Dated this twenty-eight day of June 2005
At The Hague
The Netherlands

[Seal of the Tribunal]