



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-95-13/1-T
Date: 27 July 2006
Original: English

BEFORE THE DUTY JUDGE

Before: Judge Wolfgang Schomburg, Duty Judge
Registrar: Mr. Hans Holthuis
Order: 27 July 2006

PROSECUTOR

v.

**MILE MRKŠIĆ
MIROSLAV RADIĆ
VESELIN ŠLJIVANČANIN**

ORDER ON REQUEST FOR POSTPONEMENT

The Office of the Prosecutor:

Mr Marks Moore
Mr Philip Weiner
Mr Vincent Lunny
Ms Meritxell Regue
Mr Alexis Demirdjian

Counsel for the Accused:

Mr Miroslav Vasić and Mr Vladimir Domazet for Mile Mrkšić
Mr Borivoje Borović and Ms Mira Tapusković for Miroslav Radić
Mr Novak Lukić and Mr Momčilo Bulatović for Veselin Šljivančanin

I, WOLFGANG SCHOMBURG, acting in my capacity as **DUTY 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,

BEING SEIZED OF “Mr Mile Mrkšić’s Defence Motion for Extension of Time for Filing the Rule 65*ter* Motion and Preparation of the Defence” filed confidentially (containing medical reports) on 24 July 2006 (“Motion”), in which the Defence for Mile Mrkšić, referring to the Lead Counsel’s medical condition, which persists, requests an extension of the time-limit for its filings under Rule 65*ter*(G) of the Rules of Procedure and Evidence (“Rules”) until 25 August 2006 and a postponement of the start of the Defence case until 18 September 2006, with the Pre-Defence Conference to be held shortly before it;

NOTING the “Scheduling Order” given on 12 July 2006 (“Scheduling Order”) by the Trial Chamber seized of the case against the Accused;

NOTING that, according to the Scheduling Order, the Defence for Mile Mrkšić was to file a list of witnesses it intended to call by 3 August 2006, *i.e.* during the court recess, and a summary of facts on which each witness would testify and other information required by Rule 65*ter*(G)(i) and (ii) by 10 August 2006;

NOTING that the Trial Chamber has scheduled the Pre-Defence Conference for 10 August 2006, *i.e.* immediately after the end of the court recess, and the commencement of the Defence case for Mile Mrkšić for 22 August 2006;

NOTING the “Prosecution’s Response to Defence Motion for Extension of Time for Filing the Rule 65*ter* Motion and Preparation of the Defence” filed confidentially on 26 July 2006, in which the Prosecution adopts a neutral position to the requested postponement and requests itself that it be allowed the same amount of time for preparation for cross-examination of Defence witnesses as in the Scheduling Order;

CONSIDERING that, in view of the Lead Counsel for Mile Mrkšić’s undisputed continued inability to engage in work on the Defence case, the Defence for Mile Mrkšić might not be in a position to file its list of witnesses by the time indicated in the Scheduling Order;

RECALLING, however, that it is a duty of co-counsel to substitute lead counsel at any point in time in order to avoid delays in the proceedings;

HAVING CONSULTED the Presiding Judge of the Trial Chamber seized of the case against the Accused;

NOTING the current unavailability of the Trial Chamber seized of the case and being satisfied as to the urgency of the matter, within the meaning of Rule 28(D)(ii), in so far as the Motion relates to the time-limit for the filing of the list of witnesses and the date of the Pre-Defence Conference;

CONSIDERING that, according to the Scheduling Order, the Defence case for Mile Mrkšić is to start on 22 August 2006 and the Trial Chamber seized of the case will return several days before that date and will be able itself to consider the request for the adjournment of the commencement of the Defence case;

In agreement with the absent Presiding Judge of this case

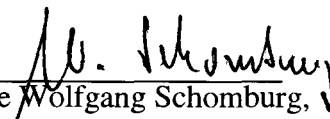
GRANT the Motion in part, and

ORDER as follows:

- the Defence for Mile Mrkšić shall file its list of witnesses pursuant to Rule 65ter(G) not later than on 10 August 2006, together with the other filings indicated in the Scheduling Order;
- the Pre-Defence Conference shall be held on 22 August 2006 at 14.15 hours;

REJECT the remainder of the Motion, as it can be dealt with by the Trial Chamber after its return from the court recess.

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


Judge Wolfgang Schomburg,
Duty Judge

Dated this twenty-seventh day of July 2006
At The Hague
The Netherlands

[Seal of the Tribunal]