



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-04-79-PT
Date: 6 September 2006
Original: English

IN TRIAL CHAMBER II

Before: Judge Krister Thelin, Pre-Trial Judge

Registrar: Mr. Hans Holthuis

Order of: 6 September 2006

PROSECUTOR

v.

MICO STANIŠIĆ

ORDER FOR EXTENSION OF TIME

The Office of the Prosecutor:

Mr. Marks Moore
Ms. Anna Richterova

Counsel for the Accused:

Mr. Stevo Bezbradica

I, Judge Krister Thelin, Judge at 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”) and Pre-Trial Judge in these proceedings;

BEING SEIZED OF “Defence Counsel’s Urgent Motion For an Extension of Time to File a Response to Prosecution’s Motion for Judicial Notice of Facts of Common Knowledge and Adjudicated Facts, with Annex” filed on 5 September 2006 (“Motion”), whereby counsel for the accused Mićo Stanišić (“Accused”), seeks an extension of time to file a response to the “Prosecution’s Motion for Judicial Notice of Facts of Common Knowledge and Adjudicated Facts, With Annex” filed on 31 August 2006 (“Prosecution’s Motion”);

NOTING that in the Motion, counsel for the Accused submits that the Tribunal’s Court Management and Support section of Registry (“CMSS”) e-mailed the Prosecution’s Motion to his office in Australia on 4 September 2006, instead of 31 August 2006, and that he therefore lost four days necessary for the preparation of a response to the Prosecution’s Motion;

NOTING that the Prosecution does not take a position with respect to the Motion;

CONSIDERING that although it appears that CMSS did not send the Prosecution’s Motion to counsel for the Accused on his official lotus notes e-mail account until 4 September 2006, it did send the Prosecution’s Motion to his private e-mail account on 31 August 2006;¹

CONSIDERING that although it cannot be excluded that counsel for the Accused did in fact receive the Prosecution’s Motion on his private e-mail account on 31 August 2006;

PURSUANT TO Rule 54 of the Rules, **HEREBY GRANT** the Motion and **ORDER** that counsel for the Accused file a response to the Prosecution’s Motion by, and no later than, 19 September 2006; and

RECOMMEND that counsel for the Accused use the additional time allocated to carefully evaluate whether he can reach an agreement with the Prosecution on the Prosecution’s Motion so that both the proposed facts of common knowledge and the adjudicated facts might rather be considered agreed facts within Rule 65^{ter} (H) of the Rules instead of having the Trial Chamber decide upon them pursuant to Rule 94 of the Rules.

¹ Informal communication between Chamber’s legal staff and representatives of both CMSS and the Office of Legal Aid and Detention Matters of Registry, 4 and 5 September 2006.

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

Dated this sixth day of September 2006

At The Hague

The Netherlands



Judge Krister Thelin
Pre-Trial Judge

[Seal of the Tribunal]