



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-04-81-PT
Date: 11 October 2006
Original: English

IN THE TRIAL CHAMBER

Before: Judge Patrick Robinson, Pre-Trial Judge
Registrar: Mr. Hans Holthuis
Decision of: 11 October 2006

PROSECUTOR

v.

MOMČILO PERIŠIĆ

**DECISION ON PROSECUTION'S MOTION TO VACATE
ORDER OF 14 JUNE 2006**

The Office of the Prosecutor:

Ms. Susan Somers

Counsel for Momčilo Perišić:

Mr. James Castle

I, **Patrick Robinson**, a 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”),

BEING SEISED of a partly confidential “Prosecution’s Motion to Vacate Order of 14 June 2006 Concerning Filing Time for Military Expert Reports with Confidential Annex A” (“Motion”), filed by the Prosecution on 5 October 2006, in which the Prosecution requests the Pre-trial Judge to vacate the Order of 14 June 2006 in respect of the present deadline for filing the Prosecution military expert reports in this case,

NOTING that in the Motion the Prosecution submits that the archives of the Army of Yugoslavia (“VJ archives”) in Belgrade and the archives of the Army of the Republika Srpska in Banja Luka contain documents that are relevant to the expert reports to be filed in the present case but that there have been delays in obtaining access to the archives and documentation due to prioritisation of inspection missions for other cases, the postponement of the *Perišić* case inspection mission to the VJ archives, and dependency of the Prosecution on the Serbian authorities for the receipt of documents,

NOTING that the Prosecution submits that the deadline of 20 October 2006 needs to be revised and that a filing date should be set down that incorporates “a reasonable period of [time] to allow the Serbian authorities to provide the requested documentation and for a reasonable time period to allow the experts to analyse and incorporation [*sic*] into their respective reports”,¹

NOTING that the Defence submits in the “Defence Objection to Prosecution’s Motion to Vacate Order of 14 June 2006 Concerning Filing Time for Military Expert Reports” (“Response”) filed on 9 October 2006 that, *inter alia*, (a) it is not clear why the information contained in the Motion was not provided to the Chamber earlier; (b) the Prosecution’s request appears to be for an “open ended extension”, which would be “unworkable and will cause delays in trial preparedness by the defence”;² (c) the production of provisional reports would not prejudice the Defence, on the contrary the Defence would be prejudiced by further delay in the production of expert reports,

NOTING the Work Plan prepared pursuant to Rule 65 *ter*(D)(ii) that will be attached to an Order following the Status Conference held on 11 October 2006 that indicates that the parties will be ready for trial by 30 April 2007,

¹ Motion, para. 18.

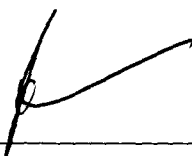
² Response, para. 8.

CONSIDERING that the Prosecution has had a considerable amount of time to conduct investigations and prepare expert reports and that the Prosecution has not provided sufficient justification for an extension of the deadline imposed by the Order of 14 June 2006,

PURSUANT TO Rules 54 and 65 *ter* of the Rules of Procedure and Evidence of the Tribunal,

HEREBY DENY THE MOTION.

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



Judge Patrick Robinson
Presiding

Dated this eleventh day of October 2006
At The Hague
The Netherlands

[Seal of the Tribunal]