



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-05-87-T
Date: 2 November 2006
Original: English

IN THE TRIAL CHAMBER

Before: Judge Iain Bonomy, Presiding
Judge Ali Nawaz Chowhan
Judge Tsvetana Kamenova
Judge Janet Nosworthy, Reserve Judge

Registrar: Mr. Hans Holthuis

Decision of: 2 November 2006

PROSECUTOR

v.

**MILAN MILUTINOVIĆ
NIKOLA ŠAINOVIĆ
DRAGOLJUB OJDANIĆ
NEBOJŠA PAVKOVIĆ
VLADIMIR LAZAREVIĆ
SRETEN LUKIĆ**

**DECISION ON UNITED KINGDOM MOTION FOR EXTENSION OF TIME
IN RELATION TO OJDANIĆ RULE 54 *BIS* MOTION**

Office of the Prosecutor

Mr. Thomas Hannis
Mr. Chester Stamp

Counsel for the Accused

Mr. Eugene O'Sullivan and Mr. Slobodan Zečević for Mr. Milan Milutinović
Mr. Toma Fila and Mr. Vladimir Petrović for Mr. Nikola Šainović
Mr. Tomislav Višnjić and Mr. Norman Sepenuk for Mr. Dragoljub Ojdanić
Mr. John Ackerman and Mr. Aleksandar Aleksić for Mr. Nebojša Pavković
Mr. Mihajlo Bakrač and Mr. Đuro Čepić for Mr. Vladimir Lazarević
Mr. Branko Lukić and Mr. Dragan Ivetić for Mr. Sreten Lukić

THIS TRIAL CHAMBER 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”) is seised of a “Request by the Government of the United Kingdom for a Variation of Time Limits Pursuant to Rule 127 to File a Response to General Ojdanic’s Motion for a Binding Order,” filed 31 October 2006, and hereby renders its decision thereon.

1. In the Motion, the Government of the United Kingdom requests an extension of time until 10 November 2006, pursuant to Rule 127 of the Rules of Procedure and Evidence of the Tribunal, to respond to “General Ojdanic’s Request for Binding Order to Government of the United Kingdom,” filed 10 October 2006. The United Kingdom states that its “omission to file a response ... within the 14 day time limit ... was innocent and unintentional and was due to the fact that no such obligation was indicated by the ICTY Registry when it transmitted the applicant’s motion to the British Embassy, The Hague.”¹

2. On 2 November 2006, the Ojdanić Defence responded to the Motion, stating that it did not object to the extension of time, provided that it was not required to cross-examine Colonel John Crosland before receiving the documents it has requested from the United Kingdom.² During the hearing held on the same day, the Chamber indicated to the parties that the witness does not appear on the Prosecution’s list of witnesses whom it intends to call for the rest of the year; and, the Ojdanić Defence informed the Chamber that the new order of witnesses was intended to address this matter precisely.

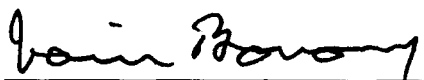
3. The Chamber rejects the United Kingdom’s argument that an extension is justified because the Registry did not expressly indicate to the United Kingdom that it had an obligation to respond to the Motion. First, there is no positive “obligation” upon the United Kingdom to respond. Second, the motion practice before the Tribunal is governed by the Statute and Rules of the Tribunal, and the Registry was under no obligation to instruct or inform the United Kingdom of its litigation options in relation to the Motion. However, the Chamber considers that the parties have agreed to certain matters (referred to in paragraph 2 above), which prompted the Ojdanić Defence not to oppose the Motion. It is on this basis that the Chamber finds it appropriate to grant the extension of time.

¹ Motion, p. 2.

² General Ojdanić’s Response to United Kingdom Motion for Extension of Time, 2 November 2006.

4. Pursuant to Rules 54 *bis*, 126 *bis*, and 127, the Trial Chamber hereby GRANTS the Motion and ORDERS that the United Kingdom shall file a response to the Motion by 10 November 2006.

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



Judge Iain Bonomy
Presiding

Dated this second day of November 2006
At The Hague
The Netherlands

[Seal of the Tribunal]