



International Tribunal for the  
Prosecution of Persons  
Responsible for Serious Violations of  
International Humanitarian Law  
Committed in the Territory of  
Former Yugoslavia since 1991

IT-04-79-PT  
D13797-D13795  
10 January 2007

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Case No. IT-04-79-PT

Date: 10 January 2007

Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Krister Thelin, Pre-Trial Judge

**Registrar:** Mr. Hans Holthuis

**Order of:** 10 January 2007

**PROSECUTOR**

**v.**

**MİĆO STANIŠIĆ**

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**ORDER ON EXTENSION OF TIME FOR FILING A  
PRE-TRIAL BRIEF PURSUANT TO RULE 65 TER(F)**

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**The Office of the Prosecutor:**

Mr. Alan Tieger

Ms. Anna Richterova

Mr. Fergal Gaynor

**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** the “Urgent Defence Motion for Extension of Time for Filing the Pre-Trial Brief” filed on 3 January 2007 (“Motion”), whereby counsel for the accused Mićo Stanišić (“Counsel” and “Accused” respectively), seeks to file a pre-trial brief in accordance with Rule 65ter(F) of the Rules of Procedure and Evidence (“Rules”) two months after the Trial Chamber in the present case decides on two separate submissions filed by Counsel on 2 January 2007,<sup>1</sup> or, alternatively, one month after Counsel’s meeting with the Accused in Belgrade, Republic of Serbia, from 19 to 24 January 2007,

**NOTING** that in the course of the Status Conference held on 26 September 2006, I ordered Counsel to file a pre-trial brief pursuant to Rule 65ter(F) by 15 January 2007,

**NOTING** that in the Motion, Counsel submits, *inter alia*, that,

- (i) in order to prepare a pre-trial brief in accordance with Rule 65ter(F), he has to discuss in person with the Accused certain issues relating to the Prosecution’s Rule 65ter(E) submission filed on 1 December 2006 (“Prosecution’s Pre-Trial Brief”), and other material recently disclosed by the Prosecution on 27 November 2006, and on 11 December 2006, and
- (ii) the Prosecution’s incomplete Pre-Trial Brief, and the potential application of Rule 73bis(D) by the Trial Chamber in the present case, will cause an amendment to the Prosecution’s Pre-Trial Brief and an amendment to the pre-trial brief that Counsel should purportedly file by 15 January 2007, amounting to an “unnecessary waste of time and confusion in [the] filings”,

**NOTING** the “Prosecution’s Response to Urgent Defence Motion for Extension of Time for Filing the Pre-Trial Brief” filed on 5 January 2007 (“Response”), whereby the Prosecution opposes the extension of time sought, as good cause pursuant to Rule 127 has not been shown,

**NOTING** the “Defence’s Motion for Leave to Reply and Proposed Reply to Prosecution’s Response to Urgent Defence Motion for Extension of Time for Filing the Pre-Trial Brief” filed on

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<sup>1</sup> Defence Motion in Relation to the Prosecution’s Non-Compliance with the Pre-Trial Judge’s Order Regarding Rule 65ter(E) of the Rules of Procedure and Evidence, 2 January 2007; Mićo Stanišić’s Request for Application of Rule 73bis(D), 2 January 2007.

9 January 2007, whereby Counsel requests leave to reply to the Response and submits its reply (“Reply”),

**CONSIDERING** that, pursuant to Rule 127(A)(i) of the Rules, a Pre-Trial Judge may on good cause being shown by motion, enlarge or reduce any time prescribed by or under these Rules,

**CONSIDERING** that the reasons advanced for the extension of time do not constitute “good cause”, but that however, an extension of time in the interest of a clear, precise and complete submission pursuant to Rule 65ter(F) would not unduly delay the proceedings in the present case or result in prejudice to the Prosecution,

**CONSIDERING** that excessive time is sought,

**PURSUANT TO** Rule 65ter and Rule 54 of the Rules, **HEREBY PARTIALLY GRANT** the Motion and **ORDER** that Counsel file a pre-trial brief pursuant to Rule 65ter(F) of the Rules by, and no later than, 15 February 2007, and,

**REMINDS** Counsel that in accordance with Rule 65ter(F) Counsel must file “ a pre-trial brief addressing the factual and legal issues, and including a written statement setting out: (i) in general terms, the nature of the accused’s defence; (ii) the matters with which the accused takes issue in the Prosecutor’s pre-trial brief; and (iii) in the case of each such matter, the reason why the accused takes issue with it”.

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

Dated this tenth day of January 2007  
At The Hague  
The Netherlands

  
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Judge Krister Thelin  
Pre-Trial Judge

[Seal of the Tribunal]