IT-04-83-T D9390-D9388 18 DECEMBER 2007

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Prosecution of Persons Responsible for Serious V International Humanitaria Committed in the Territor	International Tribunal for the Prosecution of Persons	Case No.	IT-04-83-T
	Responsible for Serious Violations of International Humanitarian Law	Date:	18 December 2007
	Committed in the Territory of Former Yugoslavia since 1991	Original:	English

Before:	Judge Wolfgang Schomburg, Duty Judge

**Registrar:** 

UNITED NATIONS

Mr. Hans Holthuis

Order:

18 December 2007

### PROSECUTOR

v.

## RASIM DELIĆ

**Public** 

# ORDER TO THE PROSECUTION FOR THE FILING OF REPLY

### The Office of the Prosecutor:

Mr. Daryl A. Mundis

#### **Counsel for the Accused:**

Ms. Vasvija Vidović Mr. Nicolas Robson I, WOLFGANG SCHOMBURG, 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 ("International Tribunal"), acting in my current capacity as Duty Judge,

**RECALLING** the "Decision on Defence Motion for Provisional Release" issued by Trial Chamber I on 23 November 2007 ("Decision");

**NOTING** the "Prosecution Motion to Arrest the Accused Rasim Delić with Public Annexes A and B" filed by the Prosecution on 14 December 2007 ("Motion");

**NOTING** the "Defence Response to Prosecution Motion to Arrest the Accused Rasim Delić with Annexes A and B", filed by Counsel for Mr. Delić on 17 December 2007 ("Response");

**NOTING** that Rules 28 (D)(i) and (ii) provide, respectively, that where an application is made out of normal Registry hours, or within normal Registry hours and the Trial Chamber is unavailable, the application "shall be dealt with by the duty Judge if satisfied as to its urgency";

**CONSIDERING** that the Prosecution's Motion was made outside of normal registry hours and that the Trial Chamber remains unavailable due to the court recess;

**CONSIDERING** that the Motion and Response – subsequently submitted within normal Registry hours but during the court recess – are of an urgent character, and that I am therefore competent to dispose of this matter in my capacity as the Duty Judge;

**NOTING** that pursuant to Rule 126*bis* a Chamber may order a variation of the deadlines for the filing of responses to motions;

**CONSIDERING** the urgency of the matter:

FURTHER CONSIDERING that it would be beneficial for the Prosecution to provide

- (i) its views on the applicable standard for finding a breach of a condition of provisional release, namely, whether it must prove the breach beyond a reasonable doubt or demonstrate its occurrence on a balance of probabilities, and
- (ii) any additional facts in support of its claim that such a breach did indeed occur;

Case No.: IT-04-83-T

18 December 2007

HEREBY ORDER the Prosecution to file its reply, if any, by 2 p.m., today, 18 December 2007.

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

Done this 18<sup>th</sup> day of December 2007, At The Hague The Netherlands

Judge Wolfgang Schomburg Duty Judge

[Seal of the International Tribunal]