



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-95-5/18-PT
Date: 23 October 2008
Original: English

IN THE TRIAL CHAMBER

Before: Judge Iain Bonomy, Pre-Trial Judge
Registrar: Mr. Hans Holthuis
Decision of: 23 October 2008

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**DECISION ON ACCUSED MOTION FOR EXTENSION OF TIME
TO FILE PRELIMINARY MOTIONS**

Office of the Prosecutor

Mr. Alan Tieger
Mr. Mark B. Harmon

The Accused

Mr. Radovan Karadžić

I, Iain Bonomy, 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”), am seised of the Accused’s “Motion for Extension of Time to File Preliminary Motions”, filed on 14 October 2008 (“Motion”), and hereby issue this decision thereon.

1. In the Motion, the Accused requests that the time to file preliminary motions in relation to the Amended Indictment confirmed on 31 May 2000 (“current Indictment”) be extended until a decision is rendered on the Prosecution’s “Motion to Amend the First Amended Indictment”,¹ filed on 22 September 2008 (“Motion to Amend the Indictment”). The Prosecution filed a “Response to Radovan Karadzic’s Motion for Extension of Time to File Preliminary Motions” on 21 October 2008 (“Response”), in which it did not object to that request.²

2. Rule 66(A)(i) of the Rules of Procedure and Evidence of the Tribunal (“Rules”) obliges the Prosecution to disclose to the Accused copies of the supporting material that accompanied the Indictment when confirmation of that Indictment was sought. Generally, Rule 72(A) requires the defence to file, within 30 days of completion of that disclosure, any preliminary motions as to jurisdiction and the form of the Indictment. Pursuant to Rule 127(A), however, a pre-trial Judge “may, on good cause being shown by motion, enlarge or reduce any time prescribed by or under these Rules”.

3. Given the Prosecution now seeks to amend the Indictment, it is appropriate to attempt to avoid a situation whereby the Accused may be required to file preliminary motions both in respect of the current Indictment and in respect of any future amended Indictment, should the Trial Chamber decide to grant the Motion to Amend the Indictment. In these circumstances, the interests of judicial economy would be best served by an extension of time to file preliminary motions, particularly where the Prosecution does not oppose the Accused’s request. I therefore consider that there is “good cause” for the purposes of Rule 127 to grant the Accused’s request to extend the time allowed for the filing of preliminary motions until after the Motion to Amend the Indictment has been determined.

¹ Motion, para. 1.

² Response, para. 1.

4. Accordingly, I, pursuant to Rules 54, 72, and 127 of the Rules of Procedure and Evidence of the Tribunal, hereby GRANT the Motion and ORDER that the Accused's time to file preliminary motions be extended until after a decision is taken on the Prosecution's Motion to Amend the Indictment.

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



Judge Iain Bonomy
Pre-Trial Judge

Dated this twenty-third day of October 2008
At The Hague
The Netherlands

[Seal of the Tribunal]