



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

CA

Date: 17 April 2009

Original: English

**IN THE TRIAL CHAMBER**

**Before:** Judge Iain Bonomy, Pre-trial Judge

**Acting Registrar:** Mr. John Hocking

**Decision of:** 17 April 2009

**PROSECUTOR**

v.

**RADOVAN KARADŽIĆ**

***PUBLIC***

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**DECISION ON MOTION FOR EXTENSION OF TIME TO RESPOND TO THE SECOND  
AND THIRD MOTIONS FOR JUDICIAL NOTICE OF ADJUDICATED FACTS**

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**Office of the Prosecutor:**

Mr. Alan Tieger  
Mr. Mark B. Harmon  
Ms Hildegard Uertz-Retzlaff

**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 Respond to 2<sup>nd</sup> and 3<sup>rd</sup> Motions for Judicial Notice of Adjudicated Facts”, filed on 14 April 2009 (“Motion”), and hereby issue this decision thereon.

1. The Accused seeks an extension of time until 21 January 2010 to respond to the Second Prosecution Motion for Judicial Notice of Adjudicated Facts, filed on 17 March 2009 (“Second Motion”), and the Third Prosecution Motion for Judicial Notice of Adjudicated Facts, filed on 7 April 2009 (“Third Motion”). He submits that the former contains 1049 adjudicated facts and is 232 pages long. The latter has 497 adjudicated facts and is 79 pages long. Accordingly, the sheer volume of these motions makes it impossible for him to respond adequately within the normal fourteen day limit.<sup>1</sup>

2. In its “Prosecution Response to Motion for Extension of Time to Respond to 2<sup>nd</sup> and 3<sup>rd</sup> Motions for Judicial Notice of Adjudicated Facts”, filed on 15 April 2009 (“Response”), the Office of the Prosecutor (“Prosecution”) argues that Motion should be denied as “[t]he Accused has failed to show good cause for his request in accordance with Rule 127(A)(i) of the Rules [of Procedure and Evidence (Rules)]” without providing a specific justification for the alleged time extension.<sup>2</sup>

3. I note that the motions are governed by different time-counting regimes due to the effect of the “Decision on Prosecution Motion Seeking Determination that the Accused Understands English for the Purposes of the Statute and the Rules of Procedure and Evidence” issued on 26 March 2009 (“Language Decision”). Originally, any time limits for the Accused would start running from the moment he received the relevant filings in Serbian, rather than in English, the language in which they were originally filed. However, in the Language Decision, the Chamber found English to be a language that the Accused understands for the purposes of the Rules and the Statute. This Decision changed the time-counting regime so that any time limits for the Accused’s filings would start running from the day he received filings in English.<sup>3</sup> Considering the date of the Language Decision, as well as the dates on which the two adjudicated facts motions were filed, the new time-counting regime applies to the Third Motion, whereas the old time-counting regime applies to the Second Motion. The Accused is still not in possession of

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<sup>1</sup> Motion, paras. 1, 2, 4.

<sup>2</sup> Response, paras. 1–3.

<sup>3</sup> Language Decision, paras. 23–24.

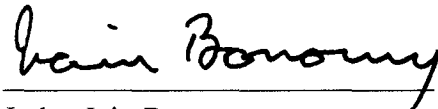
the translation of the Second Motion, which is anticipated to be ready on or around 6 May so the time for his response has not started running yet.

4. Having considered the reasons advanced by the Accused in his Motion, I am of the view that it is in the interests of justice and sound pre-trial management to grant an extension of time. However, I do not consider that a nine-month extension is required as I am convinced that a much shorter period of time will suffice. With a view to ensuring that the Accused has adequate time to deal with the motions and that his trial is not unduly delayed I have fixed what I consider to be appropriate extended dates for the two responses.

5. Accordingly, pursuant to Rules 54, 65 *ter* (B), and 127 of the Rules, I hereby **GRANT** the Motion in part as follows:

- (a) The response to the Third Motion shall be submitted to the Trial Chamber by no later than 1 June 2009.
- (b) The response to the Second Motion shall be submitted to the Trial Chamber by no later than 30 June 2009.

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



Judge Iain Bonomy  
Pre-trial Judge

Dated this seventeenth day of April 2009  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**