



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: 29 May 2009

Original: English

IN THE TRIAL CHAMBER

Before: Judge Iain Bonomy, Presiding
Judge Christoph Flügge
Judge Michèle Picard

Registrar: Mr. John Hocking

Decision of: 29 May 2009

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**DECISION ON PROSECUTION MOTION FOR EXTENSION OF WORDS AND FOR
SUSPENSION OF TIME LIMITS AND ON PROSECUTION'S URGENT REQUEST FOR
AN EXTENSION OF TIME TO FILE TWO MOTIONS**

Office of the Prosecutor:

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused:

Mr. Radovan Karadžić

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 the “Prosecution Motion for Extension of Words and for Suspension of Time Limits”, filed on 28 May 2009 (“Motion”), and of the “Prosecution’s *Urgent* Request for an Extension of Time to File Two Motions for the Admission of Evidence pursuant to Rule 92 *quater*”, filed on 28 May 2009 (“Request”). It hereby renders its decision thereon.

The Motion

1. In the Motion, the Office of the Prosecutor (“Prosecution”) requests: (i) authorisation to exceed the word limit by 5,000 words in response to the Accused’s Holbrooke Agreement Motion (“Holbrooke Motion”) and (ii) suspension of the regular time limit for filing the response to the Holbrooke Motion, until such time when the Prosecution receives the English translation of Annexes C, D, E, G, O, P, Q, and R of that Motion.¹

2. With respect to (i), the Prosecution explains that the Holbrooke Motion in essence contains 8,730 words and is, therefore, 2,730 words over the limit previously authorised by the Trial Chamber. This is due to Annex AB of the Holbrooke Motion, which contains 2,735 words of factual argument. Accordingly, the Prosecution seeks leave to file a response not exceeding 8,000 words.²

3. With respect to (ii), the Prosecution argues that the Annexes C, E, G, O, P, Q, R, and a part of Annex D of the Holbrooke Agreement Motion have not been translated into one of the official languages of the Tribunal. The Prosecution also notes that the Registry has requested that the translations of these Annexes be ready by Tuesday, 2 June 2009. As a result, the Prosecution asks that the time limit for its response to the Holbrooke Motion starts running from the date of the filing of the English translation of the Annexes.³

4. In his “Response to Motion for Extension of Time and Word Limits”, filed on 29 May 2009, the Accused does not oppose the Motion.

5. In light of the reasons advanced by the Prosecution, the Trial Chamber finds it to be in the interests of justice to grant the Motion. Given that the translations of the Annexes are to be

¹ Motion, para. 1.

² Motion, paras. 1–3, 5.

ready by Tuesday, 2 June 2009, the Chamber considers that the time limit for the Prosecution's response should start running from that date.

The Request

6. In the Request, the Prosecution asks for an extension of time until 10 June 2009 to file two motions for two proposed Rule 92 *quater* witnesses ("Rule 92 *quater* Motions").⁴ The Chamber had earlier ordered the Prosecution to file its motions to admit written evidence pursuant to Rule 92 *bis* and Rule 92 *quater* on or before 29 May 2009.⁵

7. The Prosecution argues that providing the necessary details in the Rule 92 *quater* Motions has been particularly time-consuming because the evidence of the two witnesses in question is particularly voluminous and covers a wide geographic and temporal scope. Additionally, parts of the evidence of both witnesses pertain to acts and conduct of the Accused.⁶ The Prosecution also notes that the Rule 92 *quater* Motions have required additional legal analysis, discussion, and procedural steps due to the fact that the admission of the evidence of both witnesses has been subject to a number of prior judicial decisions.⁷ As a result, the Prosecution requests a twelve-day extension to complete the Rule 92 *quater* Motions.⁸ It claims that the Accused would suffer no prejudice from this brief extension. To the contrary, it would relieve him from the burden of responding to the Rule 92 *quater* Motions within the same period as the remaining motions to admit evidence pursuant to Rule 92 *bis* and Rule 92 *quater*.⁹

8. The Chamber expresses its disquiet that the Prosecution should have submitted this Request so late in the day that it is impractical to obtain the response from the Accused prior to the expiry of the time limit it seeks to extend. However, the Chamber notes that the extension requested could not possibly cause prejudice to the Accused and has decided to grant it in spite of the fact that the Accused has not had the opportunity to respond. The Chamber reminds the Prosecution of the need to submit any requests for extension of time long enough before the relevant expiry date to give the Accused time to respond.

³ Motion, para. 4.

⁴ Request, para. 1.

⁵ Order Following on Status Conference and Appended Work Plan, 6 April 2009, para. 7(5).

⁶ Request, para. 6.

⁷ Request, para. 7.

⁸ Request, para. 8.

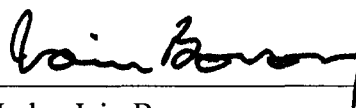
⁹ Request, para. 9.

Disposition

9. For these reasons, pursuant to Rules 54 and 127 of the Tribunal's Rules of Procedure and Evidence, the Trial Chamber hereby:

- a. **GRANTS** the Motion;
- b. **GRANTS** the Request;
- c. **ORDERS** the Prosecution to file its response to the Holbrooke Motion, consisting of no more than 8,000 words, by no later than 16 June 2009; and
- d. **ORDERS** the Prosecution to file its Rule 92 *quater* Motions by no later than 10 June 2009.

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



Judge Iain Bonomy
Presiding

Dated this twenty-ninth day of May 2009
At The Hague
The Netherlands

[Seal of the Tribunal]