

IT-02-54-R77-5
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04 FEBRUARY 2009

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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-02-54-R77.5
Date: 4 February 2009
Original: English

IN A SPECIALLY APPOINTED CHAMBER

Before: Judge Carmel Agius, Presiding
Judge Alphons Orie
Judge Bakone Justice Moloto

Acting Registrar: Mr John Hocking

Order of: 4 February 2009

IN THE CASE AGAINST
FLORENCE HARTMANN

PUBLIC

ORDER VARYING TIME LIMITS FOR FILING OF APPLICATIONS FOR
CERTIFICATION

Amicus Curiae Prosecutor

Mr Bruce MacFarlane, QC

Counsel of the Accused

Mr Karim A. A. Khan, Counsel

Mr Guénaél Mettraux, Co-counsel

THE SPECIALLY APPOINTED CHAMBER (“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”);

NOTING the “Defence Motion to Stay Time Limits for Filing of Rule 73 Applications for Certification”, filed on 2 February 2009 (“Motion”), whereby it seeks a suspension of the time-limits set at the Status Conference on 30 January 2009 (“Status Conference”) for the filing of application for certification, pending the final determination of its motion to disqualify two members of the Bench in this case, as well as the Senior Legal Officer in charge of the case,¹ or, in the alternative, that the Chamber grant the Rule 73 certification requests for several decisions for reasons provided in the Motion;²

NOTING the “Prosecution Response to Defence Motion to Stay Time Limit for Filing of Rule 73 Applications for Certification”, filed on 3 February 2009 (“Response”);

NOTING that at the Status Conference the Defence was given a reduced deadline to file any motion for certification pursuant to Rule 73 of the Rules of Procedure and Evidence (“Rules”) for decisions issued up until the date of the Status Conference, and the Prosecution was given 24 hours to respond to any such motions;³

NOTING further that at the Status Conference it was determined that for the oral decisions rendered during the Status Conference, and for which reasons were to follow on either 2 or 3 February 2009, the Chamber would include shortened deadlines for the filing of any motion for certification of these decisions;⁴

NOTING the “Order Postponing Commencement of Trial” issued by the Chamber on 3 February 2009 (“Order to Postpone”), whereby the commencement of trial was postponed *sine die*;

CONSIDERING that in light of the Order to Postpone, there is no compelling reason to maintain the deadlines set at the Status Conference;

NOTING that pursuant to Rule 73 of the Rules, requests for certification shall be filed within seven days of the filing of the impugned decision;

¹ Defence Motion for Disqualification of Two Members of the Trial Chamber and of Senior Legal Officer in Charge of the Case, 3 February 2009 (“Disqualification Motion”).

² Motion, para. 9, 14, 21.

³ Status Conference, T. 67.

⁴ Status Conference, T. 68.

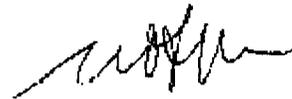
CONSIDERING that the Chamber sees no reason why the Defence applications for certification of the Chamber's previous decisions should be dependant on the final determination of the Disqualification Motion;

CONSIDERING also that the Chamber finds no merit in the alternative request in the Motion to grant the Rule 73 Applications of the Decisions listed in paragraph 3 of the Motion;

PURSUANT to Rule 54 of the Rules;

DECIDES to grant the Defence seven days as of the date of the filing of this Order in which to file any motion for certification of the Chamber's Decisions listed in paragraph 3 of the Motion.

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



Judge Carmel Agius
Presiding Judge

Dated this fourth day of February 2009
At The Hague
The Netherlands

[Seal of the Tribunal]