



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of
Former Yugoslavia since 1991

Case No. IT-04-83-T
Date: 18 December 2007
Original: English

Before: Judge Wolfgang Schomburg, Duty Judge
Registrar: 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:

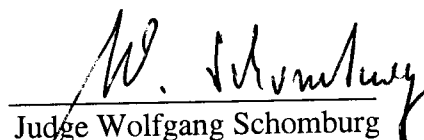
FURTHER CONSIDERING that it would be beneficial for the Prosecution to provide

- (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;

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 18th day of December 2007,
At The Hague
The Netherlands


Judge Wolfgang Schomburg
Duty Judge

[Seal of the International Tribunal]