

**UNITED
NATIONS**

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-95-5/18-PT

Date: 15 April 2009

IN TRIAL CHAMBER III

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

Acting Registrar: Mr. John Hocking

THE PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**PROSECUTION RESPONSE TO MOTION FOR EXTENSION
OF TIME TO RESPOND TO 2ND AND 3RD MOTIONS FOR
JUDICIAL NOTICE OF ADJUDICATED FACTS**

The Office of the Prosecutor:

Mr Alan Tieger
Ms Hildegard Uertz-Retzlaff

The Accused:

Mr Radovan Karadžić

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

Case No. IT-95-5/18-PT

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**PROSECUTION RESPONSE TO MOTION FOR EXTENSION OF TIME TO
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1. In his Motion¹ the Accused Radovan Karadžić ("Accused") requests that his response to the Prosecution's second and third adjudicated fact motions be delayed until 21 January 2010. The Accused has failed to show good cause for his request in accordance with Rule 127(A)(i) of the Rules².
2. In his Motion the Accused does not provide a *specific* justification for the lengthy extension which he requests, as is required under the Rules³. Whilst the Accused *appears* to suggest that he requires additional time to submit his response because he receives "part-time" assistance in preparing the response,⁴ this is not a proper basis for establishing good cause. The fact that the Accused is only able to avail himself of part-time assistance is due to his status as a self-represented accused. However, as the Appeals Chamber in *Prosecutor v.*

¹ Motion for Extension of Time to Respond to 2nd and 3rd Motions for Judicial Notice of Adjudicated Facts, 14 April 2009 ("Motion").

² Rule 127(A)(i) of the Rules of Procedure and Evidence ("Rules") reads: "Save as provided by paragraph (C), a Trial Chamber or Pre-Trial Judge may, on good cause being shown by motion [...] enlarge or reduce any time prescribed by or under these Rules".

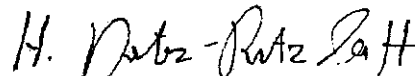
³ See *Prosecutor v. Naletilić & Martinović*, IT-98-34-A, Decision on Naletilić's Motion for Leave to File his Second Motion to Present Additional Evidence Pursuant to Rule 115, 27 January 2005, p. 3, which provides that the good cause requirement "obliges the moving party to demonstrate it was not able to comply with the time limit set out in the Rule."

⁴ Motion, para. 3.

Krajišnik emphasized, it is the Accused's responsibility to bear the limitations associated with his decision to opt for self-representation.⁵

3. Accordingly, the Prosecution requests that the Trial Chamber dismiss the Accused's Motion.

Word Count: 420



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Senior Trial Attorney

Dated this 15th day of April 2009
At The Hague
The Netherlands

⁵ *Prosecutor v. Krajišnik*, IT-00-39-A, Decision on Krajišnik Request and on Prosecution Motion, 11 September 2007, para. 41, which provides "as part of the choice to self-represent, Mr. Krajišnik must accept responsibility for the disadvantages this choice may bring". See also *Prosecutor v. Tolimir*, IT-05-88/2-PT, Decision on Motion for Suspension of Time Limit for Filing of Preliminary Motions, 18 October 2007, p. 3, where in denying the Accused Ždravko Tolimir's request for a suspension of the time limits in which to file his preliminary motions, the Trial Chamber noted "that, as a result of his choice to represent himself, [Tolimir] accepted a number of responsibilities, including the responsibility for filing written submissions in accordance with the Rules and practice directions of the Tribunal".