



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-T

Date: 29 May 2012

Original: English

IN THE TRIAL CHAMBER

Before: Judge O-Gon Kwon, Presiding Judge
Judge Howard Morrison
Judge Melville Baird
Judge Flavia Lattanzi, Reserve Judge

Registrar: Mr. John Hocking

Decision of: 29 May 2012

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**DECISION ON PROSECUTION REQUEST FOR EXTENSION OF TIME TO COMPLY
WITH TRIAL CHAMBER'S ORDER COMPELLING INSPECTION OF ITEMS
MATERIAL TO THE MUNICIPALITIES DEFENCE CASE**

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused

Mr. Radovan Karadžić

Standby Counsel

Mr. Richard Harvey

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”),

BEING SEISED OF the “Prosecution Request for Extension of time to Comply With the Trial Chamber’s Order Compelling Inspection of Items Material the Municipalities Defence Case”, filed on 16 May 2012 (“Request”);

RECALLING the “Decision on Accused’s Motion to Compel Inspection of Items Material to the Municipalities Defence Case”, issued on 7 May 2012 (“Municipalities Decision”), in which the Chamber ordered the Prosecution within one month to allow inspection of items in its possession pertaining to the municipalities component of the Accused’s defence case, specifically regarding any of 118 prospective defence witnesses who were members of the Crisis Staffs of either the Autonomous Region of Krajina (“ARK”) or one of 18 municipalities (“Requested Materials”);¹

NOTING that, in the Request, the Prosecution states that: (i) it can provide some of the Requested Materials to the Accused by 7 June 2012; (ii) will subsequently provide more of the Requested Materials on a “regular and rolling basis”; and (iii) will be able to provide all the Requested Materials by 17 August 2012, although it may need a further extension of time;²

NOTING that the Prosecution argues that it is not in a position to fully comply with the time limit imposed by the Chamber in the Municipalities Decision because of the resource-intensive nature of the searches, including searches for material related to prospective witnesses Radislav Brđanin and Milomir Stakić, and competing disclosure deadlines in other cases;³

NOTING that, the Prosecution thus requests the Chamber to extend the deadline set out in the Municipalities Decision to 17 August 2012;⁴

NOTING that on 16 May 2012, the Accused’s legal adviser informed the Chamber via email that the Accused would not be filing a response to the Request but that he “reserves the right to make submissions in further pleadings, if necessary, on the effect of any extension on his ability to comply with the Chamber’s requirements for his defence case”;

¹ Municipalities Decision, paras. 3, 13.

² Request, para. 3.

³ Request, paras.1, 2–14.

⁴ Request, para. 15.

CONSIDERING the Prosecution's concerns about the time and resources available to comply with the Municipalities Decision;⁵

CONSIDERING, however, that no later than 27 August 2012, the Accused shall file, *inter alia*, a list of witnesses he intends to call and a list of exhibits he intends to offer in his case, pursuant to Rule 65 *ter* of the Tribunal's Rules of Procedure and Evidence ("Rules");⁶

CONSIDERING that for the Municipalities Decision to have any effect, the Accused must receive the Requested Materials sufficiently in advance of the deadlines imposed by the Chamber to the Accused under Rule 65 *ter* of the Rules in order to incorporate these materials in his preparations, if necessary;

FOR THE FOREGOING REASONS,

PURSUANT TO Rule 54 the Rules,

GRANTS the Request in part, **ORDERS** the Prosecution to comply with the Municipalities Decision by 27 July 2012, and **DENIES** the remainder of the Request.

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



Judge O-Gon Kwon
Presiding

Dated this twenty-ninth day of May 2012
At The Hague
The Netherlands

[Seal of the Tribunal]

⁵ Request, paras.4–14.

⁶ Scheduling Order on Close of the Prosecution Case, Rule 98 *bis* Submissions, and Start of the Defence Case, 26 April 2012, paras. 22–25.