



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: 14 March 2014

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: 14 March 2014

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**DECISION ON ACCUSED MOTION FOR EXTENSION OF TIME
TO FILE RESPONSE**

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 Accused’s “Motion For Extension of Time to Respond to Motion to Re-Open Prosecution Case and 89th Disclosure Violation Motion”, filed on 13 March 2014, whereby the Accused requests that the Chamber issue an order granting an extension of time to respond to the “Motion to Re-Open its Case with Public Appendix A and Confidential Appendix B” filed by the Office of the Prosecutor (“Prosecution”) on 4 March 2014 (“Request for Extension” and “Motion to Re-open”, respectively), an order for the disclosure of certain items relevant to the Motion to Re-open, and for a finding that the Prosecution has violated its disclosure obligations pursuant to Rules 66(B) and 68 of the Tribunal’s Rules of Procedure and Evidence (“Rules”) by the late disclosure of a report of an unsuccessful exhumation at Tomašica (“89th Disclosure Violation Motion”);¹

NOTING that in the Motion to Re-open, the Prosecution seeks to introduce “fresh evidence” which, with the exercise of reasonable diligence, it claims it could not have identified and produced during its case in chief, and that in the Request for Extension, the Accused claims he does not have in his possession the information he needs to respond to the Motion to Re-open on this issue;²

NOTING Rule 126 *bis* of the Rules provides that a response to a motion shall be filed within 14 days of the filing of the motion and Rule 127, which provides that the Chamber may enlarge any time prescribed under the Rules upon good cause being shown;

NOTING that the Accused has access to all of the material the Prosecution currently possesses and proposes to tender as part of the Motion to Re-open, including witness statements and expert reports;³

NOTING that, on 11 March 2014, the Prosecution provided the Accused, in part, with further material he had requested on 7 March 2014;⁴

¹ Request for Extension, para. 1,

² Motion to Re-Open, para. 11; Request for Extension, para. 4

³ Request for Extension, Annex B; Motion to Re-open, para. 8.

⁴ Request for Extension, Annex B.

CONSIDERING therefore that the Accused has sufficient material in his possession on the basis of which to respond to the Motion to Re-open and that therefore no good cause has been shown to extend the deadline for his response under Rule 127 of the Rules;

PURSUANT TO Rules 54, 126, and 127 of the Rules:

DENIES the Request for Extension, **ORDERS** the Accused to submit his response to the Motion to Re-open by no later than 18 March 2014, and **STAYS** its decision on the 89th Disclosure Violation Motion pending reception of the Prosecution's response.

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



Judge O-Gon Kwon
Presiding

Dated this fourteenth day of March 2014
At The Hague
The Netherlands

[Seal of the Tribunal]