



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: 30 October 2009

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: 30 October 2009

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**DECISION ON MOTION FOR EXTENSION OF TIME TO FILE RESPONSE TO
PROSECUTION MOTION FOR JUDICIAL NOTICE OF DOCUMENTS**

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused

Mr. Radovan Karadžić

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”) is seised of the “Motion for Extension of Time to File Response to Prosecution Motion for Judicial Notice of Documents”, filed by the Accused on 27 October 2009 (“Motion for Extension of Time”) and hereby renders its decision thereon.

1. The Accused seeks an extension of time until 1 March 2010 to respond to the “Prosecution’s First Motion for Judicial Notice of Documentary Evidence Related to the Sarajevo Component with Confidential Appendix A”, filed on 19 October 2009 (“Motion for Judicial Notice”). He submits that the Motion for Judicial Notice concerns 303 documents, and that his team is currently preparing his response to another motion which is due on 30 November 2009.¹ The Accused argues that the legal research required to respond to the Motion for Judicial Notice, the factual analysis necessary for each document, and other priorities regarding his preparation for trial that require the attention of his legal team warrant a four-month extension.² The Accused submits that this would enable new interns joining his team in January 2010 time to prepare the response.³

2. In the “Prosecution Response to Karadžić Motion for Extension of Time to File Response to Prosecution Motion for Judicial Notice of Documents”, filed on 29 October 2009 (“Response”), the Office or the Prosecutor (“Prosecution”) submits that the Motion for Extension of Time should be denied as the Accused has failed to show good cause for his request in accordance with Rule 127(A)(i) of the Rules of Procedure and Evidence (“Rules”).⁴ The Prosecution argues that “[t]here is no doubt that, by choosing to conduct his own defence, the accused deprives himself of resources a well-equipped legal defence team could have provided. [...] The legal system’s respect for a defendant’s decision to forgo assistance of counsel must be reciprocated by the acceptance of responsibility for the disadvantages this choice may bring.”⁵ The Prosecution acknowledges that a reasonable extension of time may be

¹ Motion for Extension of Time, paras 1, 3.

² Motion for Extension of Time, paras 2, 4.

³ Motion for Extension of Time, para. 4.

⁴ Response, para. 1.


⁵ Response, para. 2 (quoting *Prosecutor v. Karadžić*, Case No. IT-95-5/18-AR73.2, Decision on Interlocutory Appeal of the Trial Chamber’s Decision on Adequate Facilities, 7 May 2009, para. 27; *Prosecutor v. Slobodan Milošević*, Case No. IT-02-54-AR73.6, Decision on Interlocutory Appeal by the *Amici Curiae* Against the Trial Chamber Order Concerning the Presentation and Preparation of the Defence Case, 20 January 2004, para. 19).

warranted;⁶ however, it states that the complexity of the applicable law and the volume of materials submitted do not necessitate a four-month extension.⁷

3. The Trial Chamber considers that the volume of material covered by the Motion for Judicial Notice constitutes good cause to grant some extension of the normal 14 day period for a response from the Accused. However, the internal organisation of the work of the Accused's team is not sufficient reason for the Chamber to grant the four month extension sought by him, which is excessive. Thus, with a view to ensuring that the Accused has adequate time to deal with the issues raised by the Motion for Judicial Notice, the Chamber will grant him an extension of time to 31 December 2009 to submit his response.

4. Accordingly, pursuant to Rule 54 and Rule 127 of the Rules, the Chamber hereby **GRANTS** the Motion for Extension of Time in part and **ORDERS** the Accused to submit his response to the First Motion for Judicial Notice by no later than 31 December 2009.

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



Judge O-Gon Kwon
Presiding

Dated this thirtieth day of October 2009
At The Hague
The Netherlands

[Seal of the Tribunal]

⁶ Response, para. 4.

⁷ Response, para. 3.