

**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-95-11-T

Date: 23 November 2006

Original: English

IN TRIAL CHAMBER I

Before: Judge Bakone Justice Moloto, Presiding
Judge Janet Nosworthy
Judge Frank Höpfel

Registrar: Mr. Hans Holthuis

Decision of: 23 November 2006

PROSECUTOR

v.

MILAN MARTIĆ

**DECISION ON DEFENCE'S MOTION FOR
ENLARGEMENT OF TIME FOR FILING THE FINAL
TRIAL BRIEF**

The Office of the Prosecutor:

Mr. Alex Whiting
Ms. Anna Richterova
Mr. Colin Black
Ms. Nisha Valabhji

Counsel for the Accused:

Mr. Predrag Milovančević
Mr. Nikola Perović

TRIAL CHAMBER I (“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 “Defence Motion for Enlargement of Time for Filing the Final Trial Brief”, filed on 21 November 2006 (“Motion”), in which the Defence requests an extension of time for filing the Final Trial Brief from 11 December 2006 to 5 January 2007;

NOTING the “Prosecution in Response to Defence Motion for Enlargement of Time for Filing the Final Trial Brief”, filed on 22 November 2006 (“Response”), wherein the Prosecution takes “no position regarding the extension of time and defers to determination of the Trial Chamber”;¹

NOTING the “Decision revising the time available to the defence for presenting evidence and incorporated scheduling order” filed on 7 September 2006 (“Scheduling Order”), whereby the Trial Chamber ordered that the following schedule be followed during the remainder of the trial:

- 11 December 2006: filing of the Final Trial Brief of each party;
- 10 January 2007: closing arguments of the Prosecution, if any, which shall also include any response to the Defence Final Trial Brief;
- 11 January 2007: closing arguments of the Defence, if any, which shall also include any response to the Prosecution Final Trial Brief;
- 12 January 2007: closing arguments in rebuttal and rejoinder, if any.

NOTING the Defence’s submissions in the Motion, but **CONSIDERING** that the only argument of the Defence for extension of time is that the Defence was unable to hire more than two support staff members before 21 April 2006, when the Registry reconsidered its decision on the distribution of funds in accordance with the Trial Chamber’s decision on 31 March 2006;²

NOTING Rule 86(B) of the Rules of Procedure and Evidence (“Rules”) which provides that “[n]o later than five days prior to presenting a closing argument, a party shall file a final trial brief”;

FINDING that the argument advanced by the Defence is not convincing as the Trial Chamber cannot see how the Defence’s perceived inability to organise its work during the first four months of trial would affect its work at this point during the trial to submit its Final Trial Brief on time;

¹ Response, para.1.

² Motion, para. 10 referring to Confidential and *ex parte* Decision on Defence Motion Concerning Provision of Legal Aid in the Trial Stage, 31 March 2006.

NOTING that the Defence has been aware of the deadline of 11 December 2006 since the filing of the Scheduling Order on 7 September 2006;

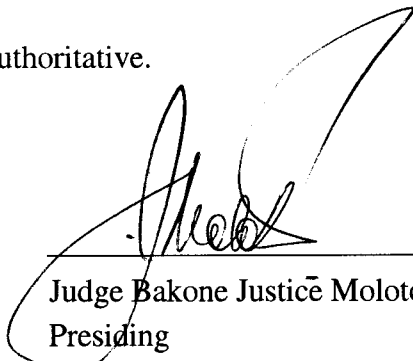
NOTING however the Defence's submission that an extension until 5 January 2007 "would leave enough time to the Defence", while meeting the five-day requirement of Rule 86(B) and, therefore, **CONSIDERING** that extending the deadline for the Final Trial Briefs is in keeping with the rights of the Accused to a fair and expeditious trial, and to have adequate time and facilities for the preparation of his defence pursuant to Article 20 and 21 of the Statute;

PURSUANT TO Articles 20, 21 and Rules 54 and 86(B) of the Rules,

GRANTS the Motion and **REVISES** the Scheduling Order as follows:

- 5 January 2007: filing of the Final Trial Brief of each party;
- 10 January 2007: closing arguments of the Prosecution, if any, which shall also include any response to the Defence Final Trial Brief;
- 11 January 2007: closing arguments of the Defence, if any, which shall also include any response to the Prosecution Final Trial Brief;
- 12 January 2007: closing arguments in rebuttal and rejoinder, if any.

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



Judge Bakone Justice Moloto
Presiding

Dated this Twenty-third day of November 2006

At The Hague

The Netherlands

[Seal of the Tribunal]