

IT-08-91-T
D 10538 - D 10536
23 DECEMBER 2010

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UNITED
NATIONS



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-08-91-T
Date: 23 December 2010
Original: English

BEFORE THE DUTY JUDGE

Before: Judge Árpád Prandler, Duty Judge
Registrar: Mr. John Hocking
Decision of: 23 December 2010

PROSECUTOR

v.

MIĆO STANIŠIĆ AND STOJAN ŽUPLJANIN

PUBLIC

**DECISION ON PROSECUTION'S
URGENT MOTION SEEKING VARIATION
OF THE DEADLINE IN RELATION TO THE
PROOF OF DEATH DATABASE**

The Office of the Prosecutor

Ms. Joanna Korner
Mr. Thomas Hannis

Counsel for the Accused

Mr. Slobodan Zečević and Mr. Slobodan Cvijetić for Mićo Stanišić
Mr. Dragan Krgović and Mr. Igor Pantelić for Stojan Župljanin

I, ÁRPÁD PRANDLER, Judge 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”), acting in my current capacity as Duty Judge in accordance with Rule 28 of the Rules of Procedure and Evidence (“Rules”), am seised of the “Prosecution’s urgent motion seeking variation of the deadline in relation to the proof of death database”, filed publicly on 23 December 2010 (“Motion”), whereby the Prosecution seeks an extension of time to 17 January 2011 to file the “Consolidated Hyperlinked Spreadsheet”, which the Trial Chamber on 17 December 2010 ordered the Prosecution to file by 3 January 2011 in accordance with certain criteria (“Directions”);¹

NOTING the Prosecution’s submissions that it “is not in a position to carry out the necessary review of the POD database and produce a Consolidated Hyperlinked Spreadsheet within the time frame required by the Directions under the current circumstances”, and further:²

- that “[t]he Directions were issued at a time when most staff members are already on leave for the winter recess”;
- that “[c]urrent weather conditions in The Hague have also meant that public transportation means have been hampered and staff members are facing difficulties reaching the Tribunal”;
- that the eight criteria set by the Directions require “substantial time-consuming amendments to the POD database”, as further specified by the Prosecution, “which cannot be physically achieved within the eight working days provided by the deadline”;
- in relation to the eighth criterion, which concerns the provision of indications whether supporting documents are not yet available in a working language of the Tribunal, that “[a]t the current stage, the wide majority of the supporting material has not been translated”;
- that “the Prosecution had already been working for three days on the amendment of the database in accordance with the Directions, when it received on 22 December 2010, by email, information from the Trial Chamber that, inter alia, the “one victim one row principle [of the Directions] has been abandoned (to complicated) (sic)”, which “will require the Prosecution to start the project anew”;

NOTING the Prosecution submission that neither the Defence of Mićo Stanišić nor the Defence of Stojan Župljanin would oppose the requested extension;³

¹ Directions to the Prosecution with regard to its motion to add proof of death database, issued publicly on 17 Dec 2010.

² Motion, paras 7-10.

HAVING CONSULTED the Trial Chamber on the matter;

CONSIDERING that the Prosecution's submissions, that the Directions were issued at a time when most staff members are already on leave for the winter recess and that the weather conditions in The Hague have resulted in difficulties for staff to reach the Tribunal, do not amount to good cause within the meaning of Rule 127;

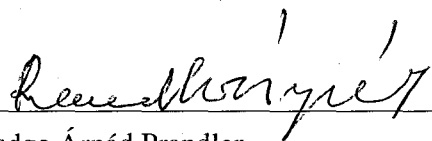
CONSIDERING that the Prosecution's submission regarding the amount of work required to comply with the Directions, when seen in the light of the further information provided by the Trial Chamber on 22 December 2010, which amended the Directions in part thereby resulting in a change of circumstances, amounts to good cause under Rule 127;

CONSIDERING, however, that it would not be in the interest of good case management, having regard to the stage of the proceedings and the Trial Chamber's decision that the Prosecution shall close its case on 27 January 2011, to allow the full extension requested;⁴

PURSUANT TO Rule 127 of the Rules;

ORDER the Prosecution to comply by 12 January 2011 with the Directions, as amended by the information provided by the Trial Chamber on 22 December 2010.

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


Judge Árpád Prandler
Duty Judge

Dated this twenty-third day of December 2010

At The Hague
The Netherlands

[Seal of the Tribunal]

³ Motion, para. 11.

⁴ Scheduling order concerning the end of the Prosecution case and the beginning of the Defence case, issued publicly on 17 Dec 2010.