



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-05-87/1-PT
Date: 2 October 2007
Original: English

IN TRIAL CHAMBER III

Before: Judge Frederik Harhoff, Pre-Trial Judge

Registrar: Mr. Hans Holthuis

Decision of: 2 October 2007

PROSECUTOR

v.

VLASTIMIR ĐORĐEVIĆ

PUBLIC DOCUMENT

DECISION ON DEFENCE MOTION FOR EXTENSION OF TIME

The Office of the Prosecutor

Mr. Thomas Hannis

Counsel for the Accused

Mr. Dragoljub Đorđević
Mr. Veljko Đurđić

I, Frederik Harhoff, 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 (“International Tribunal”),

BEING SEISED of “Vlastimir Đorđević’s Motion Requesting Extention [sic] of Time for Filing Preliminary Motions” (“the Request”), filed on 26 September 2007, whereby Permanent Counsel for Vlastimir Đorđević requests an extension of the time limit to file preliminary motions pursuant to Rule 72(A) of the Rules of Procedure and Evidence of the International Tribunal (“Rules”);

NOTING that Permanent Counsel requests an additional 30 days from the date of the present order in which to file preliminary motions, given that the supporting material to the indictment against Vlastimir Đorđević was only transferred by Duty Counsel on 20 September 2007 and that there were delays in setting up Permanent Counsel’s access to the judicial database and the e-mailing system of the International Tribunal;¹

NOTING the terms of my order of 4 July 2007, in which I ruled that any preliminary motion should be filed by Vlastimir Đorđević within 30 days of the assignment of Permanent Counsel to him (“4 July Order”);²

NOTING that Permanent Counsel was not finally assigned to the Accused until 15 August 2007 and that, pursuant to the 4 July Order, any preliminary motion should therefore have been filed no later than 15 September 2007;³

NOTING that the Duty Counsel, who had been assigned temporarily for the purposes of the initial appearance, did not transfer the supporting material to the Permanent Counsel of Vlastimir Đorđević before 20 September 2007, by which time the deadline for filing of preliminary motions had already expired;

CONSIDERING that the Permanent Counsel had faced concrete logistical difficulties which prevented him from receiving the supporting material in time for him to prepare a preliminary motion;

CONSIDERING that the start of trial has not yet been scheduled;

¹ Request, paras 19, 22, 23, 25.

² Order for Disclosure of Supporting Material to the Accused and Non-Disclosure to the Public, 4 July 2007, p. 5.

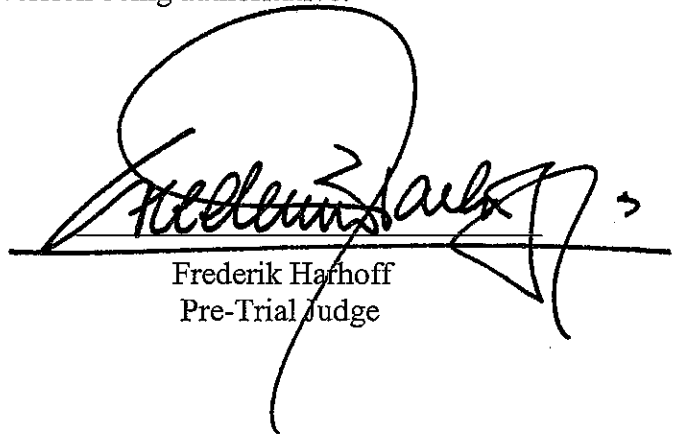
³ Registrar’s Decision on the Assignment of Counsel, 15 August 2007, p. 2.

CONSIDERING, in light of the exceptional circumstances surrounding the assignment of Permanent Counsel and the transfer of the supporting material, that it is reasonable to grant an extension of time in order to give Vlastimir Đorđević 30 days from the time he received the supporting material to file a preliminary motion, if he so wishes;

PURSUANT to Rule 127 of the Rules

HEREBY GRANT the Motion in part and **ALLOW** Vlastimir Đorđević, through his Permanent Counsel, to file any preliminary motion no later than 20 October 2007.

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



Frederik Harhoff
Pre-Trial Judge

Dated this second day of October 2007
At The Hague
The Netherlands

[Seal of the Tribunal]