



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

IT-95-5/18-T 30299
D 30299-D 30297 PK
24 DECEMBER 2009

Case No.: IT-95-5/18-T

Date: 24 December 2009

Original: English

BEFORE THE DUTY JUDGE

Before: Judge Guy Delvoie, Duty Judge

Registrar: Mr. John Hocking

Decision of: 24 December 2009

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**DECISION ON THE ACCUSED'S MOTION FOR EXTENSION OF TIME TO RESPOND
TO PROSECUTION MOTIONS**

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused

Mr. Radovan Karadžić

Appointed Counsel

Mr. Richard Harvey

I, **GUY DELVOIE**, 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 seized of the “Motion for Extension of Time to Respond to Prosecution Motions”, filed by the Accused on 23 December 2009 (“Motion”).

1. The Accused seeks an extension of time to respond to the “Prosecution’s Motion for Leave to File a Supplemental Rule 65 *ter* Exhibit List” (“Rule 65 *ter* Motion”), “Prosecution’s First Bar Table Motion” (“Bar Table Motion”), and “Fifth Prosecution Motion for Judicial Notice of Adjudicated Facts” (“Judicial Notice Motion”), all of which were filed on 14 December 2009 (referred to collectively as “Prosecution’s Motions”). The Accused notes that he objects to the Prosecution’s Motions but is unable to file responses by 28 December 2009 because “the Registry refuses to adequately fund his defence team during trial phase” and because “he lacks the resources to locate, examine, and research the documents and facts.” He, therefore, requests an extension of time until he is given adequate resources to perform these tasks.¹ The Accused also objects to the filing of an *ex parte* annex to the Rule 65 *ter* Motion and asks that it be disclosed to him before any decision is made on that Motion.²

2. The Office of the Prosecutor (“Prosecution”) has not yet responded to the Motion. While I am of the view that, given the urgency of the matter, I can decide the issue of extension of time without hearing from the Prosecution, I cannot do the same in relation to the Accused’s request for disclosure of the *ex parte* annex to the Rule 65 *ter* Motion. For that reason, I consider that the Prosecution should file a response in relation to that issue, in accordance with the deadline set out below.

3. Having perused the Prosecution’s Motions in question, I consider that the volume of material covered by them constitutes good cause to grant some extension of the normal 14 day period for a response from the Accused. However, as already indicated by the *Karadžić* Trial Chamber, the issues relating to the organisation and funding of the Accused’s team are not a sufficient reason to grant an excessive extension of time or even extension currently requested.³ As also stated by the same Trial Chamber, it is for the Accused to organise his defence team

¹ Motion, paras. 1–4.

² See Motion, footnote 1.

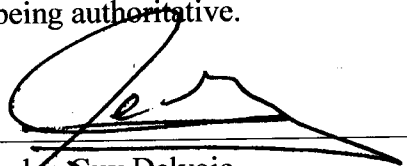
³ See Decision on Motion for Extension of Time to File Response to Prosecution Motion for Judicial Notice of Documents, 30 October 2009, para. 3. See also Decision on the Accused’s Second Submission for Extension of Time to File Response: Rule 92 *quater* Submissions (Babić & Deronjić), 26 November 2009 (“Babić & Deronjić Decision”).

properly so that deadlines can be met. The fact that a number of his defence team have decided to stop working due to a dispute with the Registry over the allocation of paid working hours during the trial phase (this matter being currently before the Registrar)⁴ does not take away from this fact.⁵ Thus, with a view to ensuring that the Accused has adequate time to deal with the issues raised by the Prosecution's Motions, I will grant him an extension of time to submit his responses.

4. Accordingly, pursuant to Rules 28, 54, and 127 of the Rules, I hereby **GRANT** the Motion in part and **ORDER** as follows:

- (a) that the Prosecution file, by 11 January 2010, a response to the Accused's request that the *ex parte* annex to the Rule 65 *ter* Motion be disclosed to him;
- (b) that the Accused submit his response to the Rule 65 *ter* Motion by 22 January 2010; and
- (c) that the Accused submit his responses to the Judicial Notice Motion and Bar Table Motion by 15 February 2010.

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



Judge Guy Delvoie
Duty Judge

Dated this twenty-fourth day of December 2009
At The Hague
The Netherlands

[Seal of the Tribunal]

⁴ These issues are still unresolved; they are currently before the Registrar and, as indicated by the Accused, may ultimately end up before the Appeals Chamber. *See* Motion, footnote 3.

⁵ Babić & Deronjić Decision, para. 5.