



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-04-79-PT
Date: 10 March 2008
Original: English

IN TRIAL CHAMBER II

Before: Judge Krister Thelin, Pre-Trial Judge

Registrar: Mr. Hans Holthuis

Decision of: 10 March 2008

PROSECUTOR

v.

MIĆO STANIŠIĆ

PUBLIC

**DECISION REGARDING RESPONSES TO PROSECUTION
MOTIONS PURSUANT TO RULES 92 *BIS* AND 92 *QUATER*
AND THE DEFENCE NOTICE PURSUANT TO RULE 94 *BIS***

The Office of the Prosecutor:

Ms. Anna Richterova

Counsel for the Accused:

Mr. Stevo Bezbradica

I, Judge Krister Thelin, Pre-Trial Judge in the case *Prosecutor v. Mićo Stanišić* at 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”),¹

BEING SEIZED of “Urgent Defence’s Motion for Extension of Time for Filing Responses to Prosecution’s Motions for Admission of Evidence Pursuant to Rule 92*quater* and for Admission of Transcripts and Written Statements in Lieu of Viva Voce Testimony Pursuant to Rule 92*bis* as well as for Filing Notices on the Defence’s Position on the Expert Reports”, filed on 7 March 2008 (“Motion”);

NOTING “Prosecution’s Response to Urgent Defence’s Motion for Extension of Time”, filed on 7 March 2008 (“Response”);

NOTING “Prosecution’s Motion for Admission of Transcripts and Written Statements in Lieu of *Viva Voce* Testimony pursuant to Rule 92*bis*”, filed on 29 February 2008 with confidential annexes (“92*bis* Motion”);

NOTING “Prosecution’s Application to Replace Annex B to the Prosecution’s Motion for Admission of Transcripts and Written Statements in Lieu of *Viva Voce* Testimony pursuant to Rule 92*bis*”, filed confidentially on 6 March 2008;

NOTING “Prosecution’s Motion for Admission of Evidence pursuant to Rule 92*quater*”, filed on 29 February 2008 with confidential annexes (“92*quater* Motion”);

NOTING “Prosecution’s Supplement to Annex C to the Prosecution’s Motion for Admission of Evidence pursuant to Rule 92*quater*”, filed confidentially on 6 March 2008;

NOTING “Prosecution’s Notice of Disclosure of Expert Witness Statements under Rule 94*bis*”, filed on 29 February 2008 (“94*bis* Disclosure Notice”);

NOTING “Clarification to Prosecution’s Notice of Disclosure of Expert Witness Statements under Rule 94*bis*”, filed on 5 March 2008;

NOTING that in the Motion the Defence submits that:

- (a) it received the 92*bis* Motion, the 92*quater* Motion and the 94*bis* Disclosure Notice (collectively “Prosecution filings”) after working hours on 3 March 2008;²

¹ *Prosecutor v. Mićo Stanišić*, Case No.: IT-04-79-PT, Order Regarding Composition of Trial Chamber and Designating

(b) the Prosecution filings which the Defence received were incomplete;³

(c) on 5 March 2008 the Accused advised Mr. Bezbradica, Counsel for the Accused, that he does not wish to be represented by him before the Tribunal and that he will represent himself;⁴ and

(d) Counsel for the Accused considers that there is “no point to further work on the case” until the issue of representation of the Accused has been resolved by the Registry;⁵

NOTING that the Defence seeks an extension of time so that the Defence may file no later than 30 April 2008 Responses to the *92bis* Motion and the *92quater* Motion and a Notice regarding the expert reports referred to in the *94bis* Disclosure Notice;⁶

NOTING that the Prosecution has no objection to the Motion and leaves to the Trial Chamber to determine an appropriate date by which the Defence is to respond to the Prosecution filings;⁷

NOTING that the Prosecution opposes the Defence claim that the Prosecution filings are incomplete and asserts that if the Defence has not received some of the DVDs attached to them, the Prosecution cannot be held responsible;⁸

CONSIDERING that for as long as Mr. Bezbradica is counsel for the Accused, he is obliged to continue to represent the Accused;

CONSIDERING that, in the circumstances, the extension of time sought by the Defence for responding to the Prosecution filings is in the interests of justice;

PURSUANT TO Rules *94bis* and 127 of the Rules of Procedure and Evidence of the Tribunal;

HEREBY GRANT the Motion and **ORDER** that the Defence shall file no later than 30 April 2008 Responses to the *92bis* Motion and the *92quater* Motion and a Notice regarding the expert reports referred to in the *94bis* Disclosure Notice.

a Pre-Trial Judge, 21 March 2005.

² Motion, para. 2.

³ Motion, paras. 3-6.

⁴ Motion, para. 7.

⁵ Motion, para. 8.

⁶ Motion, para. 9.

⁷ Response, p. 1.

⁸ Response, p. 1.

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

Dated this 10th day of March 2008
At The Hague
The Netherlands



Judge Krister Thelin
Pre-Trial Judge

[Seal of the Tribunal]