



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-02-61-PT

Date: 08 January 2003

Original: English

IN TRIAL CHAMBER II

Before: Judge Florence Ndepele Mwachande Mumba, Pre Trial Judge
Registrar: Mr Hans Holthuis
Decision of: 08 January 2003

PROSECUTOR

v.

MIROSLAV DERONJIĆ

DECISION ON MOTION TO VARY TIME LIMIT FOR FILING REPLY

The Office of the Prosecutor:

Mr Mark Harmon

Counsel for the Accused:

Mr Slobodan Cvijetić
Mr Slobodan Zečević

I, Florence Ndepele Mwachande Mumba, appointed Pre-Trial Judge in the present case,

BEING SEISED of the Defence's "Motion to Vary Time Limit for Filing Reply" ("Motion"), filed on 23 December 2002, and the "Mistake Correction", filed on 27 December 2002,

CONSIDERING that on 25 October 2002, Trial Chamber II issued its "Decision on Form of the Indictment" ("Decision"), in which the Prosecution was ordered to amend the Indictment in the terms set out in this Decision and that such Amended Indictment were to be filed by Friday 29 November 2002,

CONSIDERING that that Decision ordered the Defence "to file complaints, if any, resulting from the amendments" at the latest by Monday, 30 December 2002,

CONSIDERING that the Prosecution filed the "Prosecution's Amended Indictment Submission" and the "Prosecution's General Reorganisation Table Submission for the Amended Indictment" on 29 November 2002,

CONSIDERING that the Motion aims at an extension of time for the filing of any observations in relation to the Amended Indictment by the Defence until 31 January 2003, as the Amended Indictment was not yet translated in a language the Accused understands,

CONSIDERING that Article 21 of the Statute determines that the accused shall, *inter alia*, be entitled "to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him" and "to have adequate time and facilities for the preparation of his defence and to communicate with counsel ...",

CONSIDERING that, pursuant to Rule 53bis(B) and Rule 47(G) of the Rules of Procedure and Evidence ("Rules), the practice within this Tribunal has been to provide for a translation in a language the accused understands of any Indictment against the accused,¹

CONSIDERING that the translation of the Amended Indictment in a language the accused understands was filed on 17 December 2002 and that on that day, an electronic version of this translation was sent to the co-counsel, and a paper version was sent to the accused,

¹ See, for example, *The Prosecutor v. Paško Ljubičić*, Decision on the Defence Counsel's Request for Translation of All Documents, 20 November 2002, Case IT-00-41-PT.

CONSIDERING that good cause has been shown for a variation of the time-limit, allowing for one month to prepare any observations the Defence may have on the Amended Indictment as of the moment the translation was filed,

PURSUANT to Rule 54 and 127,

HEREBY GRANTS the Motion and **ORDERS** that the Defence shall file complaints, if any, on the Amended Indictment at the latest by Friday 17 January.

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

Dated this eighth day of January 2003

At The Hague,

The Netherlands.

Florence Ndepele Mwachande Mumba
Pre-Trial Judge

[Seal of the Tribunal]