



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-99-36-T
Date: 10 April 2002
Original: English

IN TRIAL CHAMBER II

Before: Judge Carmel Agius, Presiding
Judge Ivana Janu
Judge Chikako Taya

Registrar: Mr. Hans Holthuis

Decision of: 10 April 2002

PROSECUTOR

v.

**RADOSLAV BRĐANIN
and
MOMIR TALIC**

**DECISION ON "MOTION FOR EXTENSION OF TIME TO
FILE AND REQUEST FOR CERTIFICATION PURSUANT TO
RULE 73 WITH REGARD TO THE TRIAL CHAMBERS 22
MARCH 2002 DECISION REGARDING RULE 90 (H)"**

The Office of the Prosecutor:

Ms. Joanna Korner
Mr. Andrew Cayley

Counsel for the Accused:

Mr. John Ackerman and Ms. Milka Maglov, for Radoslav Brđanin
Mr. Xavier de Roux and Ms. Natacha Fauveau-Ivanović, for Momir Talić

TRIAL CHAMBER II (“the Chamber”) 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 (“the Tribunal”):

BEING SEISED OF the “Motion for Extension of Time to File and Request for Certification Pursuant to Rule 73 With Regard to the Trial Chambers 22 March 2002 Decision Regarding Rule 90 (H)”, filed by the accused Radoslav Brđanin (“Brđanin”) on 5 April 2002 (“the Motion”);

NOTING that the Prosecution, on 8 April 2002 during trial proceedings, orally indicated that it does not object to this Motion;

NOTING that the Motion seeks an extension of the deadline with respect to Rule 73 (C) of the Rules of Procedure and Evidence (“Rules”) until 5 April 2002 due to the medical problems encountered by lead counsel and, once extended, certification by the Trial Chamber for an interlocutory appeal from the Trial Chamber’s “Decision on “Motion to Declare Rule 90(H) (ii) Void to the Extent it is in Violation of Article 21 of the Statute of the International Tribunal” by the Accused Radoslav Brđanin and on “Rule 90(H) (ii) Submissions” by the Accused Momir Talić” (“the Decision”);

NOTING that the Decision states that Rule 90(H) (ii) of the Rules does not infringe upon Rule 97 and Articles 20 and 21 of the Statute of the International Criminal Tribunal for the Former Yugoslavia;

NOTING that the Motion is based upon Rule 73(C) of the Rules which provides as follows:

The Trial Chamber may certify that an interlocutory appeal during trial from a decision involving evidence or procedure is appropriate for the continuation of the trial, upon a request being made within seven days of the issuing of the decision. If such certification is given, a party may appeal to the Appeals Chamber without leave, within seven days of the filing of the certification.

CONSIDERING that Rule 127 (A) of the Rules allows a Trial Chamber to grant a motion to extend a time limit upon a showing of good cause, and that the reason advanced by counsel for Brđanin, namely his medical condition, constitutes good cause;

CONSIDERING that the proposed interlocutory appeal, relating to a decision involving evidence and procedure, is appropriate for the continuation of the trial;

FOR THE FOREGOING REASONS HEREBY

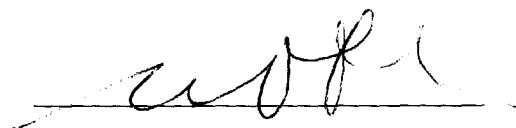
- 1. extends** the time within which Brđanin must file a request for certification pursuant to Rule 73 (C) to 5 April 2002;
- 2. grants** certification for interlocutory appeal.

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

Dated this tenth day of April 2002,

At The Hague

The Netherlands



Carmel Agius

Presiding Judge

[Seal of the Tribunal]