

IT-97-25-A
A60-A57
20 JUNE 2002

60 KB

**UNITED
NATIONS**



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-97-25-A
Date: 20 June 2002
Original: English

BEFORE THE PRE-APPEAL JUDGE

Before: Judge Theodor Meron, Pre-Appeal Judge
Registrar: Mr. Hans Holthuis
Decision of: 20 June 2002

PROSECUTOR

v.

MILORAD KRNOJELAC

DECISION ON REQUESTS FOR EXTENSION OF TIME

Counsel for the Prosecutor:

**Mr. Norman Farrell
Mr. Christopher Staker**

Counsel for the Defence:

Mr. Mihajlo Bakrac

I, THEODOR MERON, Judge of the Appeals 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 “International Tribunal”),

BEING SEISED of the “Defence Request for Extension of Time” filed by counsel for Milorad Krnojelac (the “Appellant”) on 10 June 2002 (the “Appellant’s Request”);

NOTING the “Prosecution’s Response to the Defence Request for Extension of Time” filed by the Office of the Prosecutor (the “Prosecution”) on 12 June 2002 (the “Response” or the “Prosecution’s Request”);

NOTING “the Defence’s Reply to the Prosecutor’s Response to the Request for the Extension of Time” filed by the Appellant on 20 June 2002 (the “Reply”);

NOTING that the Appellant seeks an extension of the time limit for filing his Appellant’s Brief, pursuant to Rule 111 of the Rules of Procedure and Evidence of the International Tribunal (the “Rules”), of 30 days to commence from the date the B/C/S/ translation of the judgement is made available to him, on the ground that such time is needed for the Appellant to read the judgement in his own language and consult with counsel;

NOTING that the Prosecution does not oppose the Appellant’s Request;

CONSIDERING that the Conference and Language Services Section has advised the Appeals Chamber that a B/C/S translation of the judgement will be available to the Appellant by 1 July 2002;

NOTING that Rules 127 and 107 of the Rules provide that “on good cause being shown by motion” the Appeals Chamber may “enlarge or reduce any time prescribed by or under these Rules”;

CONSIDERING that it is in the interest of justice to allow the Appellant adequate time to read the judgement and consult with counsel before filing his Appellant’s Brief;

FINDING that this circumstance constitutes good case for granting an extension of time for filing an Appellant’s Brief;

NOTING that in the Response, the Prosecution seeks also an extension of time of 30 days for the filing of its Appellant's Brief on the grounds that: (i) "if the extension of time is granted [to the Appellant], the same extension of time should apply to the Prosecution" and (ii) good cause exists "in view of the exceptionally heavy workload of the Appeals Section of the Office of the Prosecution during the month of June";

CONSIDERING that the Prosecution's argument, that it is entitled to an extension of time merely on the ground that such an extension would be granted to the Appellant, is misconceived as the Prosecution does not need to have the judgement translated in B/C/S/ to prepare its Appellant's Brief and each application for an extension of time has to be evaluated on its own merits;¹

CONSIDERING that the second of the Prosecution's arguments constitutes good cause within the meaning of Rule 127 of the Rules for granting an extension of time for the filing of an Appellant's Brief;

CONSIDERING however, that in the light of the reasons put forward by the Prosecution, the requested extension appears too long;

FINDING that good cause exists for granting the Prosecution a limited extension of time for the filing of its Appellant's Brief;

NOTING further that in the Reply, the Appellant, whilst not opposing the Prosecution's Request, seeks an additional thirty days extension of time for the filing of his Appellant's Brief on the basis that: (i) "there is the possibility that the translation [of the Judgment] arrives several days after the estimated date i.e. the 1st of July"; (ii) "the time needed for the consultations with it's client would fall in the midst of the vacations, which could result in certain difficulties in communications...due to the overburdened air-traffic"; and (iii) "the month of July is a vacation period in Yugoslavia and therefore it might prove rather onerous for the authorized Court interpreter to re-write and settle the Defense Appeal Brief";

¹ See *Prosecutor v. Dario Kordić & Mario Čerkez*, Case No.: 95-14-2-A, Decision on Application by Mario Čerkez for Extension of Time to File his Respondent's Brief, 11 September 2001, paras 4-9.


CONSIDERING that none of the arguments set out in the Reply constitute good cause within the meaning of Rule 127 of the Rules for granting an additional extension of time;

PURSUANT TO Rule 127 of the Rules;

HEREBY GRANT, in part, the Appellant's Request and the Prosecution's Request;

AND ORDER that the Appellant's Brief by the Appellant be filed on or before 31 July 2002 and the Appellant's Brief by the Prosecution be filed on or before 22 July 2002.

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


Theodor Meron
Pre-Appeal Judge

Done this twentieth day of June 2002,
At The Hague,
The Netherlands.

[Seal of the Tribunal]