

IT-97-25-A  
A84-A81  
16 July 2002.

84  
AT

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: 16 July 2002  
Original: English

**BEFORE THE PRE-APPEAL JUDGE**

**Before:** Judge Theodor Meron, Pre-Appeal Judge  
**Registrar:** Mr. Hans Holthuis  
**Decision of:** 16 July 2002

**PROSECUTOR**

v.

**MILORAD KRNOJELAC**

**DECISION ON FURTHER REQUESTS FOR EXTENSION OF TIME**

**Counsel for the Prosecutor:**  
Mr. Christopher Staker

**Counsel for the Defence:**  
Mr. Mihajlo Bakrač

**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 “Second Defence Request for the Extension of Time” filed by counsel for Milorad Krnojelac (the “Defence”) on 8 July 2002 (the “Defence Request”);

**NOTING** the “Prosecution’s Response to Second Defence Request for Extension of Time” filed by the Office of the Prosecutor (the “Prosecution”) on 9 July 2002 (the “Response” or the “Prosecution’s Request”);

**NOTING** “the Defence’s Reply to the Prosecutor’s Response to the Second Request for the Extension of Time” filed by the Defence on 11 July 2002;

**NOTING** the “Decision on Requests for Extension of Time” of 20 June 2002 (the “Decision”) whereby the Defence was ordered to file its Appellant’s Brief on or before 31 July 2002 and the Prosecution was ordered to file its Appellant’s Brief on or before 22 July 2002;

**NOTING** that the Defence seeks an additional 30 days extension of the time limit for the filing of its Appellant’s Brief from the date indicated in the Decision, on the ground that: (i) “it is rather unclear whether or not the translated Judgement will be completed until the end of the following week”; (ii) “other potential difficulties...may arise”; and (iii) “the Tribunal is in recess from the 3<sup>rd</sup> until the 26<sup>th</sup> of August”;

**CONSIDERING** that Rule 127 of the Rules of Procedure and Evidence of the International Tribunal (the “Rules”) provides 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 in the Decision the Defence had been granted a 30 days extension of time from the day in which a B/C/S translation of the Judgement of the Trial Chamber (the “Judgement”) was available to the Defence and that the said translation was expected to be available by 1 July 2002;

**CONSIDERING** however that the Defence, due to a delay within the Registry, received

the B/C/S translation of the Judgement only on 15 July 2002;

**CONSIDERING** further that neither of the two other reasons put forward by the Defence constitutes good cause within the meaning of Rule 127 of the Rules for the granting of an extension of time because extensions of time can be granted only on the basis of concrete difficulties shown by motion and that the judicial recess is not pertinent in the present context;

**CONSIDERING** however that it is in the interest of justice and fairness to the accused to grant the Defence some additional time to prepare a well reasoned Appellant's Brief;

**FINDING** that, on balance, there is good cause within the meaning of Rule 127 of the Rules for granting the Defence a limited additional extension of time for the filing of its Appellant's Brief;

**NOTING** that in the Response, the Prosecution seeks also an extension of time of two weeks for the filing of its Appellant's Brief from the date set out in the Decision on the ground that: (i) it has to file a Prosecution's Response Brief in *Kvočka* of up to 320 pages which is due on 15 July 2002 and (ii) "substantive and extensive additional evidence litigation, as well as a number of complex Rule 115 related matters involving the *Blaškić* and *Kordić* cases are currently under way";

**CONSIDERING** that the reasons adduced by the Prosecution in the Response constitute good cause within the meaning of Rule 127 of the Rules;

**FINDING** therefore that there is good cause for granting the Prosecution's Request;

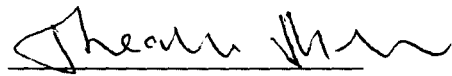
**NOTING** that the Defence has also sought an extension of time for the filing of its response to the Appellant's Brief by the Prosecution should the Prosecution not be granted an extension of time;

**PURSUANT TO** Rule 127 of the Rules;

**HEREBY GRANT**, in part, the Defence Request and, in full, the Prosecution's Request;

**AND ORDER** that the Appellant's Brief by the Defence be filed on or before 21 August 2002 and the Appellant's Brief by the Prosecution be filed on or before 5 August 2002.

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



Theodor Meron  
Pre-Appeal Judge

Done this sixteenth day of July 2002,  
At The Hague,  
The Netherlands.

[Seal of the Tribunal]