

UNITED
NATIONS

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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-98-32-A

Date: 3 June 2003

Original: English

BEFORE THE PRE-APPEAL JUDGE

Before: Judge Mohamed Shahabuddeen, Pre-Appeal Judge

Registrar: Mr. Hans Holthuis

Decision: 3 June 2003

PROSECUTOR

v.

MITAR VASILJEVIĆ

DECISION ON DEFENCE AND PROSECUTION MOTIONS FOR EXTENSION OF TIME

Counsel for the Prosecutor:

Mr. Christopher Staker

Counsel for the Appellant:

Mr. Vladimir Domazet

Case No.: IT-98-32-A

3 June 2003

I, MOHAMED SHAHABUDEEN, 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 ("International Tribunal"),

NOTING the "Order Designating a Pre-Appeal Judge" issued on 28 January 2003, which designated me as the Pre-Appeal Judge in the case of *Prosecutor v. Mitar Vasiljević*;

NOTING that, by virtue of Rules 65ter and 107 of the Rules of Procedure and Evidence of the International Tribunal ("Rules"), a pre-appeal Judge has the power "to take any measure necessary to prepare the case for a fair and expeditious" hearing;

NOTING that, following the "Decision on Prosecution Motion Concerning Defects in the Defence Notice of Appeal and on Defence Motion for Extension of Time" rendered in this case on 29 January 2003, I indicated to Mitar Vasiljević ("Appellant"), during the status conference held in the case on 28 April 2003, that the Appellant's Brief was to be filed no later than 10 June 2003;

BEING SEISED of a "Defence Motion for the Extension of Time" ("Defence Motion") filed on 29 May 2003 as well as a Prosecution motion for an extension of time for the filing of its Respondent's Brief ("Prosecution Motion") made in the "Prosecution Response to Defence Motion for Extension of Time" ("Prosecution Response") filed on 30 May 2003;

NOTING that in its Defence Motion, the Appellant requests an extension of time of 14 days for filing its Appellant's Brief in order *inter alia* to leave the Lead Counsel some time to hold discussions with a Dutch lawyer with a view to having him join the Defence team as a legal consultant following a wish expressed by the Appellant;

NOTING that, in its Prosecution Response, the Prosecution submits that these reasons do not constitute "good cause" for an extension of time within the meaning of Rule 127(A) of the Rules but that, if the Defence Motion were to be granted, the Prosecution is seeking an additional extension of time of 14 days to file its Respondent's Brief in light of the anticipated heavy workload of the Appeals Section of the Office of the Prosecutor during the month of July 2003;

NOTING the "Defence Response to Prosecution Motion of 30 May 2003" filed on 2 June 2003, in which the Appellant indicates that he would not oppose the Prosecution Motion;

NOTING Rule 111 of the Rules which provides that “an Appellant’s brief setting out all the arguments and authorities shall be filed within seventy-five days of filing of the notice of appeal pursuant to Rule 108”;

NOTING Rule 112 which provides that “a Respondent’s Brief of argument and authorities shall be filed within forty days of the filing of the Appellant’s Brief”;

NOTING that Rule 127 of the Rules, read with Rule 107, 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 it is in the interests of justice to allow a new member of the Defence team adequate time to familiarise himself with the appeal and to leave the Lead Counsel time to finalise the Appellant’s Brief;

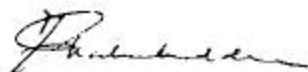
FINDING that this circumstance as well as the circumstances alleged in the Prosecution Motion constitute good cause in the terms of Rule 127 of the Rules for granting an extension of time for filing the Appellant’s Brief and the Respondent’s Brief;

PURSUANT TO Rules 65*ter*, 107 and 127 of the Rules;

HEREBY GRANT the Defence Motion as well as the Prosecution Motion and **ORDER:**

1. the Appellant to file his Appellant’s Brief not later than 24th June 2003;
2. the Prosecution to file its Respondent’s Brief not later than 18th August 2003;

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



Mohamed Shahabuddeen
Pre-Appeal Judge

Dated this third of June 2003
At The Hague,
The Netherlands.

[Seal of the Tribunal]