

UNITED
NATIONS

IT-02-60/1-A
A 411 - A 403
15 July 2004

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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-02-60/1-A
Date: 15 July 2004
Original: English

BEFORE THE PRE-APPEAL JUDGE

Before: Judge Mehmet Güney
Registrar: Mr. Hans Holthuis
Decision: 15 July 2004

Momir NIKOLIĆ

v.

PROSECUTOR

DECISION ON DEFENCE MOTION TO ENLARGE TIME

Counsel for the Appellant:

Mr. Veselin Londrović
Ms. Virginia C. Lindsay

Counsel for the Prosecutor:

Mr. Norman Farrell

A handwritten signature in black ink, appearing to be 'M. Güney'.

I, MEHMET GÜNEY, 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”),

BEING SEISED OF the “Motion to Enlarge Time” (“Motion”) filed on 12 July 2004 by Momir Nikolić (“Appellant”) whereby he requests that the time for filing his Brief in Reply be enlarged to include 1 September 2004;

NOTING that the Prosecution Respondent’s Brief was filed on 5 July 2004 and, therefore, that the Appellant is due to file his Brief in Reply on 20 July 2004 pursuant to Rule 113 of the Rules of Procedure and Evidence of the International Tribunal (“Rules”);

NOTING that under Rule 127(A)(i) and (B) of the Rules, the time-limit for the filing of the Brief in Reply may be enlarged on good cause being shown;

NOTING that the Motion relies on the grounds, *inter alia*, that (1) “the Respondent’s Brief contains numerous citations to national authorities that require research necessitating additional time within which to reply” and (2) the Co-Counsel Ms. Lindsay “has been forced to perform unavoidable tasks in two others cases before the International Tribunal” and is acting as a Senior Defence Legal Consultant in the *Maglov* Contempt proceedings which will resume for three days during the week of 20 July 2004;

NOTING that the Appellant has indicated that the Prosecution does not oppose the requested extension of time based upon the representations made concerning Ms. Lindsay’s obligations in other cases before the International Tribunal;

FINDING that the circumstances alleged in the Motion constitute good cause within the meaning of Rule 127 of the Rules for granting an extension of time for the filing of the Brief in Reply;

FINDING, however, that the Motion does not show good cause for granting the Appellant's request of an extension until 1 September 2004, since the Lead-Counsel may also work on the drafting of the Brief in Reply;

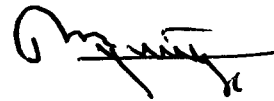
FOR THE FOREGOING REASONS,

HEREBY GRANT in part the Motion; and

ORDER the Appellant to file his Brief in Reply on or before 5 August 2004.

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

Done this 15th day of July 2004,
At The Hague,
The Netherlands.



Mehmet Güney
Pre-Appeal Judge

[Seal of the Tribunal]