

**UNITED
NATIONS**



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: 8 March 2005
Original: English

BEFORE THE PRE-APPEAL JUDGE

Before: Judge Mehmet Güney
Registrar: Mr. Hans Holthuis
Decision: 8 March 2005

Momir NIKOLIĆ

v.

PROSECUTOR

**DECISION ON MOTION
TO ENLARGE TIME FOR FILING OF REPLIES RELATING TO
APPELLANT'S SECOND MOTION TO ADMIT ADDITIONAL
EVIDENCE AND MOTION FOR LEAVE TO FILE A SECOND
AMENDED NOTICE OF APPEAL**

Counsel for the Appellant:

Mr. Rock Tansey, Q.C.

Counsel for the Prosecutor:

Mr. Norman Farrell

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”),

NOTING the “Appellant’s Motion for Leave to File Second Amended Notice of Appeal” and the confidential “Appellant’s Second Motion to Admit Additional Evidence” filed by Momir Nikolić (“Appellant”) on 23 December 2004 (“Appellant’s Motions”);

NOTING my confidential Decision of 7 February 2005 authorizing the Prosecution to file its response to the Appellant’s Motions by 21 February 2005 and instructing the Appellant to file his reply to the Prosecution’s response, within twenty days of the filing of the Prosecution’s response, namely, by 14 March 2005;¹

BEING SEISED OF the “Motion to Enlarge Time for Filing of Replies Relating to Appellant’s Second Motion to Admit Additional Evidence and Motion for Leave to File a Second Amended Notice of Appeal” filed on 4 March 2005 by the Appellant (“Motion for Extension of Time”), whereby the Appellant seeks an extension of four weeks to file his replies to the Prosecution’s responses to the Appellant’s Motions;

NOTING that pursuant to Article 19(A)(i) of the Directive on Assignment of Defence Counsel, the Deputy Registrar withdrew the assignment of Ms. Virginia Lindsay and assigned Mr. Rock Tansey as lead counsel for the Appellant;²

NOTING that in support of his Motion for Extension of Time the Appellant submits, *inter alia*, that (i) Mr. Rock Tansey was not assigned to represent the Appellant until 16 February 2005³; (ii) the entire appellate record must be fully reviewed and analysed by his new counsel before he is able to “meaningfully consult with [the Appellant] in relation to the issues presented in the two pending motions”⁴; (iii) the issues presented and the procedural history of the case are complex⁵; and (iv) prejudice will not result if the extension of time sought is granted⁶;

¹ Decision on Prosecution Urgent Request for Extension of Time and Motion for Access, Confidential, 7 February 2005.

² Decision of the Deputy Registrar issued on 14 February 2005 and filed on 16 February 2005.

³ Motion for Extension of Time, para. 5.

⁴ *Ibid.*, para. 7.

⁵ *Ibid.*, para. 8.

NOTING that pursuant to Rule 127 of the Rules of Procedure and Evidence of the International Tribunal and paragraph 19, Section VIII, of the Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings before the International Tribunal⁷, the Appeals Chamber may vary any time-limit prescribed for the filing of written submissions;

NOTING that the Prosecution has indicated that it does not object to the Motion for Extension of Time;

CONSIDERING that it is in the interests of justice to allow newly appointed lead counsel to familiarize himself with the case;

FINDING that the Appellant has shown good cause for granting the extension of time sought;

FOR THE FOREGOING REASONS,

GRANT the Motion for Extension of Time; and

ORDER the Appellant to file his replies to the “Prosecution’s Response to Appellant’s Second Motion to Admit Additional Evidence” and the “Prosecution’s Response to Appellant’s Motion for Leave to file Second Amended Notice of Appeal” filed confidentially on 21 February 2005, no later than Monday 11 April 2005.

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

Dated this eighth day of March 2005
At The Hague, The Netherlands.



Mehmet Güney
Pre-Appeal Judge

[Seal of the International Tribunal]

⁶ *Ibid.*, para. 12.

⁷ IT/155 Rev. 2, 21 February 2005.