## BEFORE THE PRE-APPEAL JUDGE

Before: Judge Mohamed Shahab	ouddeen	
Registrar: Mr. Hans Holthuis		
Decision: 17 March 2005		
	PROSECUTOR	
	v.	
	Vidoje BLAGOJEVIC Dragan JOKIC	
-	ORDER	_
Counsel for Dragan Joki	<u>c</u> :	_
Ms. Cynthia Sinatra_		
The Office of the Prosecu	utor:	
Mr. Norman Farrell		

**I, MOHAMED SHAHABUDDEEN,** Judge 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** that Trial Chamber I rendered its Judgement in this case on 17 January 2005 ("Judgement");

**NOTING** the "Order Assigning Judges to a Case Before the Appeals Chamber" filed on 14 February 2005, which, *inter alia*, designated me to serve as Pre-Appeal Judge in this case;

**NOTING** the "Notice of Appeal" filed confidentially by counsel for Dragan Jokic ("Defence" and "Jokic" respectively) on 23 February 2005;

**NOTING** the "Amended Notice of Appeal" filed by the Defence on 25 February 2005;

**CONSIDERING** that, in its Amended Notice of Appeal, the Defence requests the Appeals Chamber to *inter alia*:

- "(1) authorize and approve the request to appeal the convictions set forth by the Trail [sic] Chamber in the Judgement;
- (2) find that the time limit for the Notice of Appeal should be extended until the Accused is provided a copy of the Judgement in a language that he reads and understands;
- (3) grant additional time to prepare the appellate brief, considering the massive volume of evidence, testimony and documents involved;
- (4) order that the time limit for the appellate brief shall not begin to run until the certified record of the appeal is provided to the parties;
- (5) find that additional time is required to further investigate the evidence to be provided under Rule 115. Mr Jokic requests that the time limit for filing the brief of the appellant be extended for a minimum of six months"

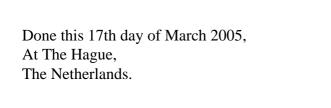
**NOTING** that Practice Direction IT/155/Rev.2 provides that "SwChere an appeal has been filed from a judgement, a party wishing to move the Appeals Chamber for a specific ruling or relief ("moving party") shall file, in accordance with the Rules, a motion containing:

- a. the precise ruling or relief sought;
- b. the specific provision of the Rules under which the ruling or relief is sought;
- c. the grounds on which the ruling or relief is sought"; 1

**NOTING** that Practice Direction IT/155/Rev.2 further provides that "[w]here a party fails to comply with the requirements laid down in this Practice Direction [...] a bench of three Judges of the Appeals Chamber or the Appeals Chamber may, within its discretion, decide upon an appropriate sanction, which can include an order for clarification or re-filing";<sup>2</sup>

**FINDING** that the inclusion of the Defence's requests (as referred to above) in its Amended Notice of Appeal should have been set out in a motion in accordance with the requirements of Practice Direction IT/155/Rev.2:

**HEREBY ORDER** the Defence to re-file its requests as a distinct motion in accordance with the requirements of Practice Direction IT/155/Rev.2.



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

Mohamed Shahabuddeen Pre-Appeal Judge

## [Seal of the Tribunal]

 $1.\ Practice\ Direction\ on\ Procedure\ for\ the\ Filing\ of\ Written\ Submissions\ in\ Appeal\ Proceedings\ Before\ the\ International\ Tribunal,\ IT/155/Rev.2,\ 21\ February\ 2005,\ para.\ 13.$ 

2. Para. 20.