

BEFORE THE PRE-APPEAL JUDGE

Before:
Judge Mohamed Shahabuddeen

Registrar:
Mr. Hans Holthuis

Decision:
17 March 2005

PROSECUTOR

v.

Vidoje BLAGOJEVIC
Dragan JOKIC

ORDER

Counsel for Dragan Jokic:

Ms. Cynthia Sinatra

The Office of the Prosecutor:

Mr. Norman Farrell

I, MOHAMED SHAHABUDEEN, 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 Trial [*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";²

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.

Done this 17th day of March 2005,
At The Hague,
The Netherlands.

Mohamed Shahabuddeen
Pre-Appeal Judge

[Seal of the Tribunal]

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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.