



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-99-36-A  
Date: 3 June 2005  
Original: English

**BEFORE THE PRE-APPEAL JUDGE**

**Before:** Judge Mohamed Shahabuddeen, Pre-Appeal Judge  
**Registrar:** Mr. Hans Holthuis  
**Decision:** 3 June 2005

**THE PROSECUTOR**

v.

**Radoslav BRĐANIN**

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**DECISION ON ASSOCIATION OF DEFENCE COUNSEL'S MOTION FOR AN  
EXTENSION OF TIME**

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**Counsel for the Prosecutor:**

**Mr. Mark McKeon**

**Counsel for the Accused:**

**Mr. John Ackerman**

**Association of Defence Counsel:**

**Chrissa Loukas, Acting President  
Joeri Maas, Head of Office**

**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 Appointing a Pre-Appeal Judge, filed on 22 October 2004, in which the President designated me to serve as Pre-Appeal Judge in this case;

**NOTING** the Decision on Motion to Dismiss Ground 1 of the Prosecutor’s Appeal, rendered on 5 May 2005, which, *inter alia*, invited the Association of Defence Counsel of the International Tribunal (“Association”) to submit an *amicus curiae* brief addressing the question whether the membership of a joint criminal enterprise must include the physical perpetrators of the crime, and requested that this brief be submitted within thirty days, or by 4 June 2005;

**BEING SEISED OF** the Association’s Motion for an Extension of Time, which requests an extension until 5 July 2005 on the grounds of a delay in the Registry’s approval of funding and the need for consultations with the members of the Association, since the question at issue will affect the cases of numerous defendants in future cases before the International Tribunal;

**CONSIDERING** that these reasons constitute “good cause” for an extension of time within the meaning of Rule 127 of the Rules of Procedure and Evidence;

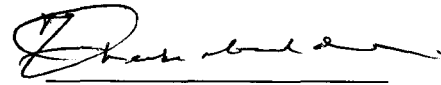
**CONSIDERING** that the extension will not delay the proceedings,<sup>1</sup> and will result in the Appeals Chamber having the benefit of an *amicus brief* that reflects the considered, consensus view of the Association’s members;

**HEREBY GRANT** the requested extension of time to 5 July 2005.

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<sup>1</sup> The Appellant’s Brief is not due until 27 June 2005. See *Decision on Motion to Extend Date for Filing Appellant’s Brief*, Case No. IT-99-36-A, 5 May 2005.

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



Mohamed Shahabuddeen  
Pre-Appeal Judge

Dated 3 June 2005  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**