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**UNITED  
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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-01-42-A  
Date: 13 June 2005  
Original: English

**IN THE APPEALS CHAMBER**

**Before:** Judge Wolfgang Schomburg, Pre-Appeal Judge  
**Registrar:** Mr. Hans Holthuis  
**Decision of:** 13 June 2005

**PROSECUTOR**

v.

**PAVLE STRUGAR**

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**DECISION ON "DEFENCE REQUEST FOR VARIATION OF  
TIME LIMIT TO FILE RESPONSE TO PROSECUTION'S  
APPEAL BRIEF"**

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**The Office of the Prosecutor:**

Mr. Mark J. McKeon

**Counsel for Pavle Strugar:**

Mr. Goran Rodić  
Mr. Vladimir Petrović

**I, WOLFGANG SCHOMBURG**, a 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”);

**BEING SEIZED OF** the “Defence Request for Variation of Time Limit to File Response to Prosecution’s Appeal Brief”, publicly filed by counsel for Pavle Strugar (“Defence”) on 31 May 2005 (“Defence Request”), in which the Defence requests an enlargement of time to file a Respondent’s brief on or before 11 July 2005, instead of 27 June 2005;

**NOTING** the “Prosecution Response to Defence Request for Variation of Time Limit to File Response to Prosecution’s Appeal Brief”, publicly filed by the Office of the Prosecutor (“Prosecution”) on 2 June 2005 (“Response”), in which the Prosecution submits that the Defence has failed to demonstrate good cause for an extension of time, but states that an extension of time for filing the Defence Appellant’s brief may be appropriate;

**NOTING** that the Defence did not file a reply to the Response;

**NOTING** that the “Prosecution Appeal Brief” and the “Book of Authorities for Prosecution Appeal Brief” (“Book of Authorities”) have both been filed on 17 May 2005;

**CONSIDERING** that the Defence argues, *inter alia*, that (i) the Book of Authorities consists of several hundred pages of documents important and highly relevant to the Prosecution Appeal Brief; that (ii) the Defence received the Book of Authorities 13 days after its filing, *i.e.* on 30 May 2005; that (iii) a meaningful analysis of the Prosecution Appeal Brief and the preparation of the Defence Respondent’s brief became possible only after the receipt of the Book of Authorities, and that these reasons constitute good cause to enlarge the time limit for filing the Defence Respondent’s brief;

**CONSIDERING** that the Prosecution argues in the Response that, *inter alia*, (i) a Respondent’s brief is focused on addressing the issues raised in an Appellant’s brief, not on the documents contained in the Book of Authorities; (ii) that the Defence still has “ample time to study its contents” prior to the filing of the Respondent’s brief; and (iii) that all legal sources contained in the Book of Authorities are publicly available;

**NOTING** that Rule 127(A) and (B) of the Rules of Procedure and Evidence provides, *inter alia*, that on good cause being shown by motion, any time prescribed by or under these Rules can be enlarged;

**CONSIDERING** that the Prosecution Appeal Brief, in its glossary, contains specific references to the public material which is contained in the Book of Authorities;

**CONSIDERING** that the filing of a book of public authorities, *inter alia*, aims at being of assistance to the other party's work, and that a delayed receipt of such assisting material by the other party cannot, in general, constitute good cause for an enlargement of a time limit;

**CONSIDERING** that the Defence is perfectly capable of commencing work on the Respondent's brief without having the Book of Authorities available on the day of its filing, as all the material cited therein is in the public domain;

**NOTING** that the Prosecution states that contrary to its prior opposition, it would no longer oppose a further extension of time for the filing of the Defence Appellant's brief, as it might be that the Defence has to file its Appellant's brief and its Respondent's brief on consecutive days;

**CONSIDERING** that the Pre-Appeal Judge has ordered that the Defence shall file an Appellant's brief, if any, 25 days after the filing of the B/C/S translation of the Trial Chamber's Judgement;<sup>1</sup>

**CONSIDERING** that the B/C/S translation of the Trial Chamber's Judgement in this case was filed on 13 June 2005 and that consequently, the Defence Appellant's brief, if any, is due on 8 July 2005, and the Defence Respondent's brief on 27 June 2005;

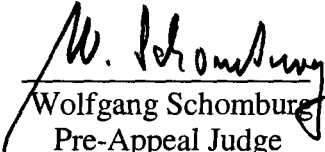
**CONSIDERING** that the time schedule set out above does not place an undue burden on the Defence;

**FOR THE FOREGOING REASONS,**

**DISMISS** the Defence request for variation of time limit to file response to the Prosecution Appeal Brief.

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

Dated this thirteenth day of June 2005, at The Hague, The Netherlands.

  
Wolfgang Schomburg  
Pre-Appeal Judge

**[Seal of the International Tribunal]**

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<sup>1</sup> Decision on Defence Request for Extension of Time, 9 May 2005, p. 3.