

**UNITED
NATIONS**



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-02-60-A
Date: 6 September 2005
Original: English

BEFORE THE PRE-APPEAL JUDGE

Before: Judge Mohamed Shahabuddeen, Pre-Appeal Judge
Registrar: Mr. Hans Holthuis
Decision: 6 September 2005

THE PROSECUTOR

v.

**Vidoje BLAGOJEVIĆ
Dragan JOKIĆ**

**DECISION ON VIDOJE BLAGOJEVIĆ'S MOTION FOR EXTENSION OF TIME FOR
FILING MOTION WITH ADDITIONAL SUBMISSIONS**

Counsel for the Prosecutor:

Mr. Norman Farrell

Counsel for the Accused:

**Mr. Vladimir Domazet for Mr. Vidoje Blagojević
Ms. Cynthia Sinatra for Mr. Dragan Jokić**

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

NOTING that Trial Chamber I rendered its Judgement in this case orally on 17 January 2005 and in writing on 24 January 2005 (“Judgement”);

NOTING the “Decision on Prosecution’s Request to Amend Notice of Appeal in Relation to Vidoje Blagojević,” filed on 20 July 2005 (“20 July Decision”), which permitted the Prosecution to make certain amendments to its notice of appeal and ordered Mr. Blagojević to file any additional submissions in response to these amendments within fifteen days, that is, by 4 August 2005;

BEING SEISED OF Mr. Blagojević’s “Motion for Extension of Time for Filing the Motion with Additional Submissions in Response to the Amendments to the Prosecution’s Request for Leave to Amend Notice of Appeal”, filed on 23 August 2005 (“Motion”), which requests the Appeals Chamber to permit the late filing of such submissions;

NOTING that Mr. Blagojević argues that there is good cause for such late filings because his counsel, Mr. Vladimir Domazet, allegedly did not receive the original, English version of the 20 July Decision promptly by fax, but instead was alerted of the decision when a B/C/S translation of it was faxed to Mr. Blagojević himself in the Detention Unit on 22 August 2005;

NOTING the Prosecution’s “Response to Appellant Blagojević’s Motion for Extension of Time”, filed 1 September 2005, which states that as it is not prejudiced by the delay, the Prosecution has no objection to the extension being granted, and that the Prosecution is willing to accept counsel’s assertion that he did not receive the fax;

NOTING that the Registry of the International Tribunal is in possession of a fax machine report that documents successful transmission of the 20 July Decision to Mr. Domazet’s fax number on 21 July 2005;

CONSIDERING that, although this fax machine report appears to be evidence of transmission, the Appeals Chamber has no way to ascertain with certainty that the fax was actually received by Mr. Domazet, and the Prosecution has agreed to accept Mr. Domazet's statement that it was not;

CONSIDERING that, assuming therefore that the fax was not received, this lack of notice to Blagojević's counsel constitutes good cause for an extension of time; and

RECALLING the considerations compelling the Appeals Chamber to request additional submissions in its 20 July Decision;

GRANT the Motion and **ORDER** Mr. Blagojević to file any submissions pertaining to the Prosecution's amendments to its notice of appeal within fifteen days of the issuance of this Decision. Thereafter, the Prosecution is directed to file any reply to Blagojević's submissions within seven days.

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



Mohamed Shahabuddeen
Pre-Appeal Judge

Dated 6 September 2005
At The Hague
The Netherlands

[Seal of the Tribunal]