



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-03-66-A
Date: 27 April 2006
Original: English

BEFORE THE PRE-APPEAL JUDGE

Before: Judge Theodor Meron, Pre-Appeal Judge
Registrar: Mr. Hans Holthuis
Decision of: 27 April 2006

PROSECUTOR

v.

**Fatmir LIMAJ
Haradin BALA
Isak MUSLIU**

**DECISION ON ‘MOTION ON BEHALF OF HARADIN BALA
TO JOIN ‘DEFENCE APPLICATION FOR FURTHER
EXTENSION OF TIME TO FILE RESPONSE TO
PROSECUTION BRIEF ON APPEAL’ FILED ON 25 APRIL
2006’**

The Office of the Prosecutor:

Ms. Helen Brady

Counsel for the Accused:

Mr. Michael Mansfield QC and Mr. Karim A.A. Khan for Fatmir Limaj
Mr. Gregor Guy-Smith and Mr. Richard Harvey for Haradin Bala
Mr. Michael Toploski QC and Mr. Steven Powles for Isak Musliu

I, THEODOR MERON, Judge of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of Former Yugoslavia since 1991 (“Tribunal”), and Pre-Appeal Judge in this case,

NOTING the “Motion on Behalf of Haradin Bala to Join ‘Defence Application for Further Extension of Time to File Response to Prosecution Brief on Appeal’ filed on 25 April 2006” (“Motion to Join”), filed on 26 April 2006, by counsel for Haradin Bala (“Bala”);

NOTING the “Decision on Defence Application for Further Extension of Time to File Response to Prosecution Brief on Appeal”, filed on 26 April 2006, in which the Defence Application for Further Extension of Time to File Response to Prosecution Brief on Appeal (“Defence Application”), filed on 26 April 2006, was denied;

NOTING that in the Motion to Join, Bala seeks to join the Defence Application – which sought a thirty day extension of time for the filing of Fatmir Limaj and Isak Musliu’s responses to the Prosecution Brief on Appeal¹ – on the grounds that “all parties” should “operate with the same filing dates to ensure uniformity”,² and that due to the death of Bala’s daughter on 18 April 2006 and Bala’s release from the United Nations Detention Unit (“UNDU”) to attend ceremonial services in Kosovo relating to this death, Bala’s counsel has been unable to have full and complete conversations with Bala about his Respondent’s brief;³

NOTING that Bala was released from the UNDU on 23 April 2006, and is scheduled to return to the UNDU today, 27 April 2006;⁴

NOTING that in the Decision on Extension of Time to File Response, filed on 5 April 2006, the Pre-Appeal Judge extended the Applicants’ deadline for responding to the Prosecution’s Brief on Appeal to thirty days after the date on which the Albanian translation of the Trial Judgement was filed so that the Applicants could read the Albanian translation of the Trial Judgement, and so that counsel for the Applicants would be able to consult with the Applicants about issues of fact relevant to the Prosecution’s Appeal;

NOTING that the Albanian translation of the Trial Judgement was filed on 30 March 2006;⁵

¹ *Prosecutor v. Limaj et al.*, Case No. IT-03-66-A, Prosecution Brief on Appeal, 15 March 2006.

² Motion to Join, para. 7.

³ *Ibid.*, paras 5-6.

⁴ *Prosecutor v. Limaj et al.*, Case No. IT-03-66-A, Decision Granting Provisional Release to Haradin Bala to Attend his Daughter’s Memorial Service”, 20 April 2006, pp.2-3.

⁵ *Prosecutor v. Limaj et al.*, Case No. IT-03-66-T, Aktgjykim, 30 March 2006.

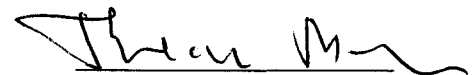
CONSIDERING that due to the death of Bala's daughter, and his resulting travel to Kosovo, reasons exist for extending the deadline for the filing of his Respondent's Brief, where they did not exist for granting the Defence Application for Further Extension of Time to File Response to Prosecution Brief on Appeal;

CONSIDERING that Bala is scheduled to return to the UNDU nine days after the death of his daughter;

DENY as moot Bala's Motion to Join, but **FIND** that a nine day extension of the deadline for the filing of Bala's Respondent's brief is warranted, and **ORDER** that Bala file his response, if any, to the Prosecution Brief on Appeal not later than 39 days after the date on which the Albanian translation of the Judgement was filed.

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

Dated this 27th day of April 2006,
At The Hague,
The Netherlands.


Judge Theodor Meron
Pre-Appeal Judge

[Seal of the Tribunal]