



International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of
Former Yugoslavia since 1991

Case No. IT-00-41-AR11bis.1

Date: 10 May 2006

Original: English

IN THE APPEALS CHAMBER

Before: Judge Fausto Pocar, Pre-Appeal Judge

Registrar: Mr. Hans Holthuis

Decision: 10 May 2006

PROSECUTOR

v.

PAŠKO LJUBIČIĆ

DECISION ON MOTION FOR EXTENSION OF TIME

Counsel for the Prosecution

Ms. Carla del Ponte
Ms. Susan L. Somers
Mr. Mark Harmon

The Government of Bosnia and Herzegovina

per: The Embassy of Bosnia and Herzegovina
to the Netherlands, The Hague

Counsel for the Appellant

Mr. Tomislav Jonjić
Ms. Nika Pinter

I, FAUSTO POCAR, PRE-APPEAL JUDGE in this case,¹

NOTING that the Appeals Chamber is seized of Paško Ljubičić's ("Appellant") Appeal against the "Decision to Refer the Case to Bosnia and Herzegovina Pursuant to Rule 11bis" of the Referral Bench of 12 April 2006 pursuant to Rule 11bis (I) of the Rules of Procedure and Evidence of the International Tribunal ("Rules"), filed on 25 April 2006;

BEING SEIZED OF the "Request for the Extension of Time to File a Brief of Appeal" ("Request") filed by Counsel for Paško Ljubičić ("Defence") on 5 May 2006, in which the Defence requests the extension of time for the filing of the Appeal Brief until 1 June 2006 on grounds that: 1) the Defence had contacted the authorities of the Republic of Croatia requesting their intervention on the Appellant's behalf, and was expecting the answer within the next days; 2) the Appellant has medical problems requiring treatment in the near future;²

CONSIDERING that, given the nature of the present decision, the Prosecution does not suffer any prejudice when the present decision is filed without receiving the Prosecution's response to the Request;

RECALLING the Appeals Chamber's decision in the case *Prosecutor v. Stanković* that in the case of an appeal against a decision pursuant to Rule 11bis (I) of the Rules, the appeal brief must be filed fifteen days after the filing of the notice of appeal;³

CONSIDERING that, pursuant to Rule 127(A)(i) and Rule 107 of the Rules, the said time-limit may be enlarged by the Pre-Appeal Judge upon good cause being shown by motion;

FINDING that the reaction of the authorities of the Republic of Croatia to the Defence's request for intervention on the Appellant's behalf is not relevant to the legal question whether the decision of the Referral Bench should be reversed, as the Appellant himself acknowledges;⁴

NOTING that the Appellant refers to "some medical problems" which will require surgery "in the near future", and that the Appellant acknowledges that this circumstance was unknown to the Referral bench;⁵

¹ Order of the Presiding Judge Appointing a Pre-Appeal Judge, 9 May 2006.

² Request, paras 3-4.

³ *Prosecutor v. Radovan Stanković*, Case No. IT-96-23/2-AR11bis.1, Decision on Defence Application for Extension of Time to File Notice of Appeal, para. 17.

⁴ "The Defence is aware that a changed stand of the Republic of Croatia [...] does not necessarily have to influence the decision of the Appeals Chamber." Request, para. 3.

⁵ Request, paras 4-5.

FINDING that, apart from the fact that the Appellant has neither raised this issue before the Referral Bench, nor has adduced the pertaining material consistent with Rule 115 of the Rules,⁶ the Appellant has not shown in which way an eventually required medical intervention will be endangered in the case of the referral of his case to the authorities of Bosnia and Herzegovina;

FINDING therefore that the Defence has not shown good cause for granting the Request;

ON THE BASIS OF THE FOREGOING,

DENIES the Defence's Request for the Extension of Time.

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

Dated this 10th day of May 2006,

At The Hague,

The Netherlands.

Judge Fausto Pocar, Pre-Appeal Judge

[Seal of the International Tribunal]

⁶ Cf. *Prosecutor v. Gojko Janković*, Case No. IT-96-23/2-AR11bis.2, Decision on Rule 11bis Referral, para. 73.