



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-04-74-
AR73.2
Date: 14 June 2006
Original: FRENCH
English

THE APPEALS CHAMBER

Before: Judge Fausto Pocar, Pre-Appeal Judge

Registrar: Mr Hans Holthuis

Decision of: 14 June 2006

THE PROSECUTOR

v.

Jadranko PRLIĆ
Bruno STOJIC
Slobodan PRALJAK
Milivoj PETKOVIĆ
Valentin ĆORIĆ
Berislav PUŠIĆ

**DECISION ON THE DEFENCE REQUEST FILED JOINTLY FOR
EXTENSION OF TIME TO FILE AN INTERLOCUTORY APPEAL**

The Office of the Prosecutor:

Mr Kenneth Scott
Mr Daryl Mundis

Defence Counsel:

Mr Michael G. Karnavas and Ms Susanna Tomanović for Jadranko Prlić
Ms Senka Nožica and Mr Peter Murphy for Bruno Stojić
Mr Božidar Kovačić and Ms Nika Pinter for Slobodan Praljak
Ms Vesna Alaburić for Milovoj Petković
Mr Tomislav Jonjić for Valentin Ćorić
Mr Fahrudin Ibrišimović and Mr Roger Sahota for Berislav Pusić

I, Fausto Pocar, President 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 ("the Tribunal");

SEIZED of the Defence Request Filed Jointly by the Six Accused for Extension of Time to File Interlocutory Appeal ("the Request") on 6 June 2006;

NOTING the Order of the President designating the Judges issued on 12 June 2006 and the Order issued on 14 June 2006 designating me as Pre-Appeal Judge;

CONSIDERING that under Rule 65 *ter* read in the light of Rule 107 of the Rules of Procedure and Evidence of the International Tribunal ("the Rules"), the Pre-Appeal Judge shall ensure that the proceedings are not unduly delayed and shall take any measure necessary to prepare the case for a fair and expeditious trial;

NOTING the oral decision and the Decision on Defence Request Filed Jointly by the Six Accused for Certification of the Interlocutory Appeal against the Oral Decision of 8 May on Time Allocated for Cross-examination by the Defence ("the Decision on Certification") rendered by Trial Chamber III on 8 and 29 May 2006 respectively;

NOTING that in the Request the Defence asks that the time limit for filing its interlocutory appeal be extended until it has received the complete text of the Decision on Certification. The Defence submits that footnotes 3 and 9 were omitted in the text of the Decision on Certification and that footnote 3 is particularly important because it might provide clarifications as to the time allocated to the Defence for cross-examination, insofar as the oral decision and the Decision on Certification contain differences of formulation which the Defence considers important;

NOTING that, alternatively, the Defence asks that, at the very least, the time limit for filing its interlocutory appeal be extended until 15 June 2006 and states that:

(i) only two members of the Defence team understand French, whereas the Decision on Certification was rendered in French and that the English translation was not available on 6 June 2006;

(iii) all the Defence lead counsel travelled to Bosnia and Herzegovina with the Judges and the Prosecution team from 6 to 12 June 2006 and that although the Defence has demonstrated the requisite due diligence in preparing its request for an appeal, the final text of the request could not be approved and signed by the Defence lead counsel within the time required under Rule 73(C) of the Rules;

(iv) insofar as the Prosecution team was also absent from 6 to 12 June 2006, the Prosecutor will suffer no prejudice as a result of the extension of the time limit; that

moreover, neither the extension of the time limit for filing the interlocutory appeal nor the interlocutory proceedings will delay the continuation of the trial since the Defence lead counsel are returning on 12 June and the request for appeal will be finalised as of 15 June at the latest;

CONSIDERING that under Rule 73(C) of the Rules the Defence has seven days to file an appeal with the Appeals Chamber;

CONSIDERING that under Rule 127(A) and (B) of the Rules, the Appeals Chamber may, on good cause being shown by motion, enlarge or reduce any time prescribed by or under these Rules;

CONSIDERING that the Defence submissions do not constitute good cause for justifying the extension of the time for filing the interlocutory appeal until the complete text of the Decision on Certification has been communicated as the alleged differences between the English version of the hearing transcript of 8 May 2006, which contains the oral decision, and the Decision on Certification are not sufficiently significant and could not substantively alter the interlocutory appeal. The additional Defence submissions that, at the very least, the time limit for filing its request should be extended until 15 June 2006 demonstrate that the Defence was able to submit a request for an interlocutory appeal within the required time without having access to the text of the missing footnotes;

CONSIDERING that the Request does not present “good cause” within the meaning of Rule 127(A) of the Rules which would justify granting the Request for an extension of the time for filing the Defence interlocutory appeal;

CONSIDERING however that in view of the Decision on Certification, the Appeals Chamber must review the issue of the decision setting the length of the cross-examination raised by the Defence in order to resolve that issue immediately and to ensure that the continuation of the trial is not delayed;

FOR THE FOLLOWING REASONS,

ORDER the Defence to file its interlocutory appeal by 15 June 2006 at the latest.

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

Done this fourteenth day of June 2006

At The Hague

The Netherlands

/signed/

Fausto Pocar, Pre-Appeal Judge

[SEAL OF THE INTERNATIONAL TRIBUNAL]