



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-95-14-R77.2-A
Date: 20 June 2006
Original: English

IN THE APPEALS CHAMBER

Before: Judge Fausto Pocar, Presiding
Judge Mehmet Güney
Judge Andréia Vaz
Judge Theodor Meron
Judge Wolfgang Schomburg

Registrar: Mr. Hans Holthuis

Decision: 20 June 2006

PROSECUTOR

v.

**IVICA MARIJAČIĆ
MARKICA REBIĆ**

**DECISION ON “APPELLANT IVICA MARIJAČIĆ’S
PRECAUTIONARY REQUEST FOR EXTENSION OF TIME”**

The Office of the Prosecutor:

Mr. Peter Kremer

Counsel for Ivica Marijačić:

Mr. Marin Ivanović
Law Offices of Marin Ivanović
Trnjanska 7
Zagreb, Croatia 10000
(+385)(1) 6130-256 (tel.)
(+385)(1) 6130-258 (fax)

THE APPEALS CHAMBER of the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (“Tribunal” and “Appeals Chamber”, respectively);

BEING SEIZED OF “Appellant Ivica Marijačić’s Precautionary Request for Extension of Time”, filed by Ivica Marijačić (“Appellant”) on 16 June 2006 (“Appellant’s Request for Extension of Time”), in which the Appellant requests the Appeals Chamber

- to issue a ruling that the proper briefing schedule in this case is the one outlined in Rule 111 of the Rules of Procedure and Evidence (“Rules”), or
- in the alternative, to grant the Appellant an extension of time to 23 June 2006 to file his Brief in Reply; or
- such other relief as this Trial [*sic*] Chamber deems appropriate;

NOTING the “Urgent Prosecution Motion to Strike Marijačić’s Appeal Brief”, filed by the Prosecution on 8 June 2006 (“Prosecution Motion to Strike”), in which the Prosecution requests the “Appellant Ivica Marijačić’s Appellant’s Brief”, filed on 2 June 2006 (“Appellant’s Brief”), to be struck, as it was filed “manifestly out of time and [without] any good cause for [t]his late filing”;¹

NOTING “Defendant Ivica Marijačić’s Response to the Prosecution’s Motion to Strike Marijačić’s Appeal Brief”, filed on 13 June 2006, in which the Appellant requests the Appeals Chamber *inter alia* to deny the Prosecution Motion to Strike on the basis that the appropriate briefing schedule for Judgements issued pursuant to Rule 77 of the Rules is the schedule provided in Rule 111 of the Rules, and not the schedule provided in Section III of the Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings before the International Tribunal;²

CONSIDERING that the issue whether the briefing schedule outlined in Rule 111 of the Rules is applicable in the present case is intrinsically connected with the relief sought in the Prosecution Motion to Strike on which the Appeals Chamber will decide in due course;

CONSIDERING that the Appellant submits in the alternative that an extension of time until 23 June 2006 to file the Brief in Reply is warranted, because counsel Marin Ivanović had been preoccupied with pressing family obligations due to the birth of his baby girl on 14 June 2006;

¹ Prosecution Motion to Strike, para. 16.

² IT/155/Rev. 3. *See also* Appellant Ivica Marijačić’s Appellant’s Brief, filed on 2 June 2006, and Response to Motion to Strike.

CONSIDERING that the Appellant has shown good cause for an extension of time to file his Brief in Reply until 23 June 2006;

CONSIDERING that the present decision on the Appellant's Request for Extension of Time is without prejudice to the relief sought in the Prosecution Motion to Strike;

FOR THE FOREGOING REASONS

ALLOWS the Appellant's Request for Extension of Time insofar as an extension of time for filing his Brief in Reply is granted until 23 June 2006;

DISMISSES the remainder of the Appellant's Request for Extension of Time.

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



Judge Fausto Pocar
Presiding

Dated this twentieth day of June 2006,
At The Hague,
The Netherlands.

[Seal of the Tribunal]