



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-97-25/1-AR.11bis.2

Date: 28 June 2006

Original: English

IN THE APPEALS CHAMBER

Before:
Judge Fausto Pocar
Judge Mehmet Güney
Judge Liu Daqun
Judge Andréia Vaz
Judge Wolfgang Schomburg

Registrar: **Mr. Hans Holthuis**

Decision of: **28 June 2006**

THE PROSECUTOR

v.

MITAR RAŠEVIĆ
SAVO TODOVIĆ

DECISION ON DEFENCE'S MOTION FOR EXTENSION OF TIME

Counsel for the Prosecution:

Ms. Susan L. Somers

Counsel for the Appellant:

Mr. Aleksandar Lažarević

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 “Notice of Appeal” filed on 15 June 2006 by Savo Todović (“Appellant”) pursuant to Rule 11*bis* (I) of the Rules of Procedure and Evidence of the International Tribunal (“Rules”), against the “Decision on Rule 11*bis* Referral” rendered by the Referral Bench on 31 May 2006;¹

BEING SEIZED OF the “Defence Motion for Extension of Time” filed by Counsel for the Appellant on 26 June 2006 (“Motion”), in which he requests an extension of time for the filing of the Appeal Brief from 30 June 2006 to 5 July 2006, on grounds that: (1) he is also acting as Lead Counsel for Mr. Ljubomir Borovčanin —one of the accused in the Srebrenica case (IT-05-88)—has to prepare responses to two voluminous Prosecution motions which are due on Friday, 30 June 2006; (2) he must also file preliminary motion pursuant to Rule 72 of the Rules in that case on 30 June 2006; and (3) given the complexity of these motions, the volume of the material that needs to be examined by him in order to prepare the responses, and the fact that Co-Counsel in that case is not in a position to assist in the preparation of said submissions because he does not speak English;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 Motion;

CONSIDERING that pursuant to Practice Direction IT/155 Rev.3, in the case of an appeal against a decision pursuant to Rule 11*bis* (I) of the Rules, the appeal brief must be filed within fifteen days of the filing of the notice of appeal;³

CONSIDERING that, pursuant to Rule 127(B) of the Rules and paragraph 19 of Practice Direction IT/155 Rev.3, the said time-limit may be varied by the Appeals Chamber upon good cause being shown by motion;

NOTING that the Notice of Appeal sets forth only one ground of appeal and thus, the submissions in the Appeal Brief will be limited to this sole ground;⁴

¹ *Prosecutor v. Mitar Rašević and Savo Todović*, Case No.: IT-97-25/1-AR11*bis*.2, Savo Todović’s Defence Notice of Appeal, 15 June 2006 (“Notice of Appeal”).

² Motion, paras 5-8.

³ Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings Before the International Tribunal (IT/155 Rev.3), 16 September 2005, para. 5 (“Practice Direction IT/155 Rev.3”).

⁴ Notice of Appeal, para. 9 *see also* *Prosecutor v. Mitar Rašević and Savo Todović*, Case No. IT-97-25/1-AR11*bis*.2, Savo Todović’s Defence Clarification Regarding Notice of Appeal filed on 15 June 2006, 16 June 2006, p.2.

CONSIDERING that the International Tribunal's deadlines are essential to the orderly and efficient progress of cases;

FINDING that the fact that Counsel for the Appellant has other work commitments concerning the representation of other clients in another case before the International Tribunal, does not in itself constitute "good cause", as Counsel before the International Tribunal are expected to balance the work requirements involved in other cases⁵ and the fact that Co-Counsel cannot assist because he does not speak any English, one of the working languages of the International Tribunal, also does not constitute good cause within the meaning of Rule 127 of the Rules;

ON THE BASIS OF THE FOREGOING,

DENIES the Motion.

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

Dated this 28th day of June 2006
At The Hague,
The Netherlands.



Judge Fausto Pocar,
Presiding

[Seal of the International Tribunal]

⁵ Cf *Prosecutor v. Radoslav Brdanin*, Case No.: IT-99-36-A, Decision on Motion for Extension of Time for the Filing of Prosecution Response Brief, 20 July 2005, p.4; *Prosecutor v. Željko Mejakić et al.*, Case No.: IT-02-65-AR11bis.1, 16 November 2005, Decision on Joint Defence Motion for Leave to File Supplemented Appeals Brief, p. 5.