



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-01-47-A  
Date: 26 July 2006  
Original: English

**IN THE APPEALS CHAMBER**

**Before:** Judge Mohamed Shahabuddeen, Pre-Appeal Judge  
**Registrar:** Mr. Hans Holthuis  
**Decision:** 26 July 2006

**PROSECUTOR**

**v.**

**ENVER HADŽIHASANOVIĆ  
AMIR KUBURA**

**DECISION ON MOTION FOR EXTENSION OF TIME**

**The Office of the Prosecutor:**

Mr. Peter Kremer, QC

**Counsel for the Appellants:**

Ms. Edina Redišović and Mr. Stéphane Bourgon for Mr. Hadžihasanović  
Mr. Fahrudin Ibrišimović and Mr. Rodney Dixon for Mr. Kubura

1. 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”) is seised of appeals from all parties from the Judgement of Trial Chamber II in the case of *Prosecutor v. Hadžihasanović and Kubura*, Case No. IT-01-47, rendered in French on 15 March 2006 (“Judgement”).

2. I, Judge Mohamed Shahabuddeen, was designated Pre-Appeal Judge in this case by an “Order Assigning Judges to a Case Before an Appeals Chamber and Appointing a Pre-Appeal Judge,” filed on 26 April 2006.

3. Amir Kubura filed his “Notice of Appeal From Judgement on Behalf of Amir Kubura Filed Pursuant to Rule 108” in this case on 13 April 2006. On 27 June 2006, he was granted an extension of time for the completion of his Appeal Brief until 60 days after the completion of a certified English translation of the Judgement.<sup>1</sup> Mr. Kubura’s counsel do not speak French. The Decision of 27 June 2006 reasoned that “it is plain that counsel’s need for access to the judgement in a language they understand—without which they cannot reasonably be expected to prepare an appeal brief—...constitutes good cause for an extension of time.”<sup>2</sup>

4. The Prosecution filed its Appeal Brief in its own appeal in this case on 3 July 2006. Mr. Kubura’s Response Brief would ordinarily be due within 40 days after this date, or the following working day of the Tribunal, namely 14 August 2006. On 21 July 2006, Mr. Kubura filed a “Motion on Behalf of Mr. Amir Kubura for Extension of Time to File Respondent’s Brief” (“Motion”), which seeks an extension until 40 days after he receives the certified English translation of the Judgement. On 24 July 2006, the Prosecution filed its “Response to Appellant Kubura’s Motion for Extension of Time to File Respondent’s Brief”, in which it stated that it did not oppose the Motion and that it intended to file its Consolidated Reply Brief “within the time limit that runs from the filing of the last of the two response briefs”. Mr. Hadžihasanović has filed no submissions relating to this matter.

5. An extension of time is merited on the basis of the same reasons given in the Decision of 27 June 2006. Although a full 40-day extension is not strictly necessary because the defence could begin work on the Response Brief in the interim period while waiting for the translation on the basis

<sup>1</sup> Decision on Motions for Extension of Time, Request to Exceed Page Limit, and Motion to File a Consolidated Response to Appeal Briefs, 27 June 2006, p. 4 (“Decision of 27 June 2006”).

<sup>2</sup> *Ibid.*, para. 7, citing *Prosecutor v. Karemera et al.*, Case No. ICTR-98-44-AR116, Decision on Request for Extension of Time, 27 January 2006, para. 4.

of the Prosecution's Appeal Brief (which was filed in English), it is nonetheless reasonable in this case because it will not delay the proceedings, in that the Prosecution's appeal will continue to proceed on a schedule that is ahead of Mr. Kubura's own appeal.

6. The Motion is therefore GRANTED. Mr. Kubura is ordered to file his Response Brief within 40 days of the transmission of the certified English translation of the Judgement to his counsel. The Prosecution will be permitted to file its Consolidated Reply Brief within fifteen days of the filing of the latter of the two Response Briefs of Mr. Kubura and Mr. Hadžihasanović, in keeping with Rule 113 of the Rules of Procedure and Evidence of the International Tribunal and paragraph C(1)(c) of the Practice Direction on the Length of Briefs and Motions.<sup>3</sup>

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



Mohamed Shahabuddeen  
Pre-Appeal Judge

Dated 26 July 2006  
At The Hague  
The Netherlands

[Seal of the International Tribunal]

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<sup>3</sup> IT/184/Rev.2, 16 September 2005.