



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-01-42-A
Date: 31 August 2007
Original: English

IN THE APPEALS CHAMBER

Before: Judge Andréia Vaz, Pre-Appeal Judge

Registrar: Mr. Hans Holthuis

Order of: 31 August 2007

PROSECUTOR

v.

PAVLE STRUGAR

PUBLIC

**DECISION ON “DEFENCE REQUEST SEEKING
EXTENSION OF TIME IN RESPECT TO COMPLYING
WITH THE APPEAL CHAMBER’S ‘ORDER REGARDING
BRIEFING ON APPEAL’”**

The Office of the Prosecutor:

Ms. Carla Del Ponte
Ms. Helen Brady
Ms. Michelle Jarvis
Mr. Xavier Tracol

Counsel for Pavle Strugar:

Mr. Goran Rodić
Mr. Vladimir Petrović

I, ANDRÉSIA VAZ, Judge of 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 (“Appeals Chamber” and “Tribunal”, respectively) and Pre-Appeal Judge in the present case,¹

NOTING the Appeals Chamber’s Order Regarding Briefings on Appeal issued on 23 August 2007 (“Order of 23 August 2007”) *proprio motu* inviting the parties to update by means of *addenda* their submissions on the merits of the present appeals in light of the Tribunal’s jurisprudence which has developed since the withdrawal of their appeals on 20 September 2006;²

NOTING that, pursuant to Order of 23 August 2007, such *addenda*, if any, are to be filed no later than 7 September 2007;³

BEING SEIZED OF the “Defence Request Seeking Extension of Time in Respect to Complying with the Appeal Chamber’s ‘Order Regarding Briefings on Appeal’” filed by Counsel for Pavle Strugar (“Counsel” and jointly “Defence”) on 29 August 2007 (“Defence Request”);

NOTING that the Defence seeks to have the dead-line set by the Order of 23 August 2007 extended until 30 September 2007 in order to allow the Defence sufficient time to “conduct an analysis as to whether or not such an eventual *addenda* [*sic*] is in fact required, and if so, in what respect”;⁴

NOTING that the Defence submits that it is not in the position to comply with the dead-line set in the Order of 23 August 2007 because during the period from 20 September 2006 until the reopening of the case on 7 June 2007,⁵ Counsel “duly archived the case” and have engaged in other activities unrelated to the present appeal;⁶

FURTHER NOTING that the Defence claims that, to comply with the Order of 23 August 2007, it would need to conduct a “renewed analysis” of the parties’ briefs that were filed before the Appeals Chamber in 2005, as well as to review the jurisprudence of the Tribunal since 20 September 2006;⁷

NOTING that the Prosecution does not oppose the Defence Request;⁸

¹ Order Appointing the Pre-Appeal Judge, 13 July 2007.

² Final Decision on “Defence Notice of Withdrawing Appeal” and “Withdrawal of Prosecution’s Appeal against the Judgement of Trial Chamber II Dated 31 January 2005”, 20 September 2006.

³ Order of 23 August 2007, p. 2.

⁴ Defence Request, paras 4 and 6.

⁵ *Prosecutor v. Pavle Strugar*, Case No. IT-01-42-Misc.1, Decision on Strugar’s Request to Reopen Appeal Proceedings, 7 June 2007.

⁶ Defence Request, para. 3.

⁷ *Ibid.*, para. 4.

CONSIDERING that, under Rule 127 of the Tribunal's Rules of Procedure and Evidence ("Rules"), the Pre-Appeal Judge may, "on good cause being shown by motion", enlarge the time limits prescribed for a filing by the Rules or, as in this case, by an order of the Appeals Chamber;

FINDING that the Defence has shown such good cause and that, in the circumstances of this case, it is in the interests of justice to allow the Defence additional time to perform the required reviews and prepare meaningful *addenda* as described in the Order of 23 August 2007, if any;

FINDING that the requested extension will not cause any undue delay in the present pre-appeal proceedings;

CONSIDERING that, although the Prosecution has not requested a reciprocal extension of time, it is in accordance with the principle of fairness to allow the Prosecution to benefit from it, should it wish to do so,

PURSUANT TO Rules 65 *ter*, 107 and 127 of the Rules,

GRANT the Defence Request; and

ORDER that both parties file their *addenda* described in the Order 23 August 2007, if any, at their earliest convenience but no later than 30 September 2007.

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

Dated this 31st day of August 2007,
At The Hague,
The Netherlands.

Judge Andrézia Vaz,
Pre-Appeal Judge

[Seal of the Tribunal]

⁸ Prosecution Response to Motion for Extension of Time, 29 August 2007.