



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-95-11-A
Date: 31 October 2007
Original: English

IN THE APPEALS CHAMBER

Before: Judge Wolfgang Schomburg, Pre-Appeal Judge
Registrar: Mr. Hans Holthuis
Decision of: 31 October 2007

PROSECUTOR

v.

MILAN MARTIĆ

PUBLIC

**DECISION ON MOTION FOR EXTENSION OF TIME FOR
FILING THE RESPONDENT'S BRIEF**

The Office of the Prosecutor:

Ms. Michelle Jarvis

Counsel for the Accused:

Mr. Predrag Milovančević
Mr. Nikola Perović

I, WOLFGANG SCHOMBURG, a 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 (“International Tribunal”) and Pre-Appeal Judge in this case;¹

NOTING that the Trial Judgement in this case was delivered on 12 June 2007;

NOTING the “Prosecution’s Notice of Appeal” and the “Prosecution’s Appeal Brief” filed on 12 July 2007 and 25 September 2007, respectively;

BEING SEISED OF the “Motion for Extension of Time for Filing the Respondent’s Brief” (“Motion”) filed by Milan Martić (“Appellant”) on 19 October 2007;

NOTING the “Prosecution Response to Defence Motion For Extension of Time for Filing the Respondent’s Brief” (“Response”) filed by the Prosecution on 29 October 2007;

NOTING that in the Motion the Applicant seeks an enlargement of the time limit set forth in Rule 112 of the Rules of Procedure and Evidence (“Rules”) for filing his Respondent’s Brief to the Prosecution’s Appeal Brief, requesting that he be allowed to file the Respondent’s Brief 15 days after the date on which the B/C/S translation of the Trial Judgement becomes available;²

NOTING that the Prosecution does not oppose the Motion in principle but submits that a shorter period of time, such as seven days after the filing of the B/C/S translation of the Trial Judgement, would be sufficient;³

CONSIDERING that in light of the fact that the time limit for the filing of the Respondent’s Brief is due to expire on 4 November 2007, the present decision may be rendered before the filing of a reply, if any, by the Appellant;

RECALLING the Appeals Chamber’s Decision of 21 September 2007, in which it directed the Registry to provide the B/C/S translation of the Trial Judgement by 7 December 2007 and ordered the Appellant to file his Appeal Brief by 24 December 2007, the latest;⁴

CONSIDERING that pursuant to Rule 127(A)(i) and (B) of the Rules, the time limit for the filing of the Respondent’s Brief may be enlarged on good cause being shown;

¹ See Order Reinstating the Pre-Appeal Judge, 31 October 2007.

² Motion, para. 3.

³ Response, paras 2, 7.

⁴ Decision on Motion for Extension of Time and Enlargement of Word Limit, 21 September 2007.

CONSIDERING that “on appeal the main burden lies on counsel in preparing the submissions as he has the legal expertise to advise the Appellant whether there exist any potential errors of law and fact”;⁵

NOTING that the Prosecution’s appeal relates to only one alleged error of law by the Trial Chamber;

CONSIDERING, however, that it is in the interests of justice to allow the Appellant adequate time to read the Trial Judgement in a language he understands and consult with his counsel before filing his Respondent’s Brief and that this constitutes “good cause” within the meaning of Rule 127 of the Rules;⁶

FINDING that an extension of seven (7) days following the communication to the Appellant of the B/C/S translation of the Trial Judgement is reasonable and appropriate;

FOR THE FOREGOING REASONS

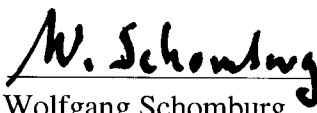
HEREBY GRANT the Motion in part;

ORDER that the time limit for the filing of the Appellant’s Respondent’s Brief is extended until seven (7) days after the B/C/S translation of the Trial Judgement is made available to the Appellant;

AND DISMISS the Motion in all other respects.

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

Dated this thirty-first day of October 2007,
At The Hague, The Netherlands.


Wolfgang Schomburg
Pre-Appeal Judge

[Seal of the International Tribunal]

⁵ *Prosecutor v. Radoslav Brdanin*, Case No. IT-99-36-A, Decision on Motions for Extension of Time, 9 December 2004, p. 3; *Prosecutor v. Fatmir Limaj et al.*, Case No. IT-03-66-A, Decision on Motion for Extension of Time, 16 February 2006, para. 12.

⁶ *See Prosecutor v. Sefer Halilović*, Case No. IT-01-48-A, Decision on Motion for Extension of Time to File Respondent’s Brief, 23 March 2006, p. 3.