



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-98-29/1-A
Date: 20 February 2008
Original: English

IN THE APPEALS CHAMBER

Before: Judge Fausto Pocar, Presiding and Pre-Appeal Judge

Registrar: Mr. Hans Holthuis

Decision of: 20 February 2008

PROSECUTOR

v.

DRAGOMIR MILOŠEVIĆ

PUBLIC

**DECISION ON DEFENCE REQUEST TO EXTEND THE
DEADLINE TO FILE THE APPELLANT'S BRIEF AND THE
RESPONDENT'S BRIEF**

The Office of the Prosecutor:

Ms. Shelagh McCall

Counsel for the Appellant:

Mr. Branislav Tapušković
Ms. Branislava Isailović

74

I, FAUSTO POCAR, Presiding 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 the present case,¹

NOTING the Judgement delivered by Trial Chamber III on 12 December 2007 (“Trial Judgement”);

NOTING Dragomir Milošević’s (“Mr. Milošević”) “*Acte d’appel déposé par la Défense contre le Jugement de première instance*” confidentially filed on 11 January 2008;

NOTING the “Prosecution Notice of Appeal” filed on 31 December 2007 and the “Prosecution Appeal Brief” filed on 30 January 2008;

NOTING that the Prosecution’s appeal is limited to sentencing;²

BEING SEIZED of the “*Requête aux fins de proroger les délais de dépôt des Mémoires de l’Appelant et de l’Intimé par la Défense*” filed on 7 February 2008 (“Motion”);

NOTING that the Motion seeks an extension of time for the filing of Mr. Milošević’s Appeal and Respondent briefs until a date that pleases the Appeals Chamber, in accordance with the requirements of a good administration of justice³ on the basis that Mr. Milošević has not yet received the official Bosnian/Croatian/Serbian (“BCS”) translation of the Trial Judgement, which is allegedly the language he understands,⁴ hindering thereby his familiarization with the conclusions of the Trial Chamber and the provision of knowledgeable instructions to Counsel in the preparation of the Appeal and Respondent’s briefs;⁵

NOTING the “Prosecution’s Response to Defence Request to Extend the Deadline to File the Appellant’s Brief and the Respondent’s Brief” filed on 11 February 2008 (“Response”), in which the Prosecution agrees that an extension is appropriate;⁶

¹ *Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/1-A, Order Appointing the Pre-Appeal Judge, 13 February 2008.

² Prosecution Appeal Brief, para. 1; Prosecution Notice of Appeal, paras 2-4.

³ Motion, p. 3.

⁴ Motion, para. 6.

⁵ Motion, paras 7-8.

⁶ Response, para. 1.

NOTING that Mr. Milošević did not file a reply;

CONSIDERING that Rule 111(A) of the Rules of Procedure and Evidence (“Rules”) provides that “[a]n Appellant’s brief setting out all the arguments and authorities shall be filed within seventy-five days of filing of the notice of appeal pursuant to Rule 108”;

CONSIDERING that Rule 112(A) of the Rules provides that “[w]here limited to sentencing, a Respondent’s brief shall be filed within thirty days of filing of the Appellant’s brief”;

NOTING that the Appeals Chamber has confirmed that no translation of the Judgement into BCS language has been served on the parties and has been advised by the Registry that the BCS translation of the Judgement will be available no later than 1 August 2008;

CONSIDERING that pursuant to Rule 127(A)(i) and (B) of the Rules, the Appeals Chamber may, “on good cause being shown by motion”, enlarge or reduce any time prescribed by or under the Rules;

FINDING that while Counsel for Mr. Milošević can and should already be working on the briefs, it is in the interest of justice to allow Mr. Milošević adequate time to read the Judgement in a language he understands and to consult with Counsel before filing both his Appeal and Respondent briefs⁷ and that, consequently, “good cause” within the meaning of Rule 127 of the Rules has been shown for extension of time⁸;

FOR THE FOREGOING REASONS

HEREBY GRANT the Motion;

DIRECT the Registrar to provide the BCS translation of the Trial Judgement to Mr. Milošević and his Counsel as soon as possible and no later than 1 August 2008;

⁷ See, e.g., *Prosecutor v. Mrkšić et al.*, Case No. IT-95-13/1-A, Decision on Joint Defence Motion for Extension of Time Limits on Submission of Briefs, 14 December 2007, p. 2; *Miroslav Bralo v. Prosecutor*, Case No. IT-95-17-A, Decision on Miroslav Bralo’s Motion for Extension of Time to File Appellant’s Brief, 2 February 2006, p. 3; *Milan Babić v. Prosecutor*, Case No. IT-03-72-A, Decision on Motion to Extend Time for Filing of Notice of Appeal, 28 July 2004, p. 2; *Dragan Nikolić v. Prosecutor*, Case No. IT-94-2-A, Decision on Motion for Variation of Time Limits, 25 March 2004, p. 3.

⁸ See *Prosecutor v. Martić*, Case No. IT-95-11-A, Decision on Motion for Extension of Time and Enlargement of Word Limit, 21 September 2007, para. 6; *Prosecutor v. Martić*, Case No. IT-95-11-A, Decision on Motion for Extension of Time for Filing the Respondent’s Brief, 31 October 2007, p. 2.

AND ORDER Mr. Milošević to file his Appeal Brief within 15 days and his Respondent's Brief within 7 days of his receipt from the Registrar of the official BCS translation of the Trial Judgement.

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

Dated this 20th day of February 2008,
At The Hague,
The Netherlands.



Judge Fausto Pocar
Presiding and Pre-Appeal Judge

[Seal of the International Tribunal]