

**UNITED
NATIONS**



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-04-84-
R77.4-A
Date: 22 December
2008
Original: English

Before: Judge Kevin Parker, Duty Judge

Registrar: Mr. Hans Holthuis

Decision of: 22 December 2008

PROSECUTOR

v.

**ASTRIT HARAQIJA
and
BAJRUSH MORINA**

PUBLIC

**DECISION ON ASTRIT HARAQIJA'S MOTION FOR
EXTENSION OF TIME TO FILE THE NOTICE OF APPEAL**

The Office of the Prosecutor:

Mr. Serge Brammertz

Counsel for the Accused:

Mr. Karim A. A. Khan for Astrit Haraqija
Mr. Jens Dieckmann for Bajrush Morina

I, **KEVIN PARKER**, Judge 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”), acting in my current capacity as Duty Judge;

NOTING the “Judgement on Allegations of Contempt” rendered by Trial Chamber I in the present case pursuant to Rule 77 of the Rules of Procedure and Evidence of the International Tribunal (“Rules”) on 17 December 2008;¹

NOTING “Astrit Haraqija’s Motion for Extension of Time to File the Notice of Appeal” (“Motion”) filed by Astrit Haraqija (“Applicant”) on 19 December 2008, wherein the Applicant requests that the Appeals Chamber suspend the applicable time-limit for the filing of his notice of appeal over the winter recess, and grant him an extension of time to file his notice of appeal on 23 January 2009;²

NOTING that, pursuant to Rule 77(J) of the Rules, a party seeking to appeal a decision under Rule 77 of the Rules shall file a notice of appeal within fifteen days of filing of the impugned decision;³

NOTING 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;

NOTING that, pursuant to Rule 28(C) of the Rules, all applications in a case not otherwise assigned to a Chamber, other than the review of indictments, shall be transmitted to the Duty Judge who shall act pursuant to Rule 54 in dealing with such applications;

CONSIDERING moreover that this case has not yet been assigned to a bench of the Appeals Chamber, that the International Tribunal is currently in court recess and the Appeals Chamber remains unavailable until the end thereof, and that the time limit for filing the Applicant’s notice of appeal will expire on 2 January 2009;

FINDING therefore that I am competent to decide on the Motion;

NOTING that, in support of his Motion, the Applicant submits that the members of his defence team “will be busy with previously existing family commitments and dispersed in various parts of

¹ *Prosecutor v. Astrit Haraqija and Bajrush Morina*, Case No. IT-04-84-R77.4, Judgement on Allegations of Contempt, 17 December 2008.

² Motion, para. 3, Relief Requested.

³ See also 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. 4.

the world during the holidays” and that the International Tribunal’s winter court recess runs from 20 December 2008 until 11 January 2009;⁴

NOTING that the Prosecution has communicated that it will not respond to the Motion;

CONSIDERING that the International Tribunal’s deadlines for the filing of the notice of appeal pursuant to Rule 77(J) of the Rules are, similarly to those under Rule 108 of the Rules, essential to ensuring the expeditious preparation of the case;⁵

CONSIDERING that a defence counsel in a case before the International Tribunal is under an obligation to give absolute priority to observe the time limits as foreseen in the Rules;⁶

CONSIDERING that the Applicant’s defence team is familiar with the case and the record;

CONSIDERING that the Applicant does not posit that his case is so overly complex that the normal time limits would not suffice for him to prepare his notice of appeal;⁷

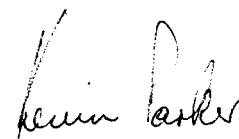
CONSIDERING furthermore that the fact that the International Tribunal will be in court recess until 11 January 2009 is irrelevant to the Applicant’s ability to file his notice of appeal within the prescribed time limit;

FINDING therefore that the Applicant fails to show good cause warranting an extension of time for the filing of his notice of appeal;

PURSUANT TO Rules 28(C), 54 and 127(A)(i) and (B) of the Rules,

HEREBY DENY the Motion.

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



Kevin Parker
Duty Judge

Dated this twenty-second day of December 2008
At The Hague
The Netherlands

[Seal of the Tribunal]

⁴ Motion, para. 3.

⁵ See *Prosecutor v. Baton Haxhiu*, Case No IT-04-84-R77.5-A, Decision on Admissibility of Notice of Appeal Against Trial Judgement, 4 September 2008, para. 16; *Prosecutor v. Ljube Boškoski and Johan Tarčulovski*, Case No. IT-04-82-A, Decision on Johan Tarčulovski’s Motion for Extension of Time to File the Notice of Appeal (“*Tarčulovski Decision*”), 5 August 2008, p. 2.

⁶ *Prosecutor v. Pavle Strugar*, Case No. IT-01-42-A, Decision on Defence Request for Extension of Time, 9 May 2005, p. 2.

⁷ See *Tarčulovski Decision*, p. 2.