



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-04-74-AR73.14

Date: 23 January 2009

Original: English

IN THE APPEALS CHAMBER

Before: Judge Andréia Vaz, Presiding
Judge Mohamed Shahabuddeen
Judge Mehmet Güney
Judge Fausto Pocar
Judge Theodor Meron

Acting Registrar: Mr. John Hocking

Decision: 23 January 2009

PROSECUTOR

v.

**JADRANKO PRLIĆ
BRUNO STOJIC
SLOBODAN PRALJAK
MILIVOJ PETKOVIĆ
VALENTIN ĆORIĆ
and BERISLAV PUŠIĆ**

PUBLIC

**DECISION ON THE PROSECUTION'S MOTION FOR
EXTENSION OF TIME**

The Office of the Prosecutor:

Mr. Kenneth Scott
Mr. Douglas Stringer

Counsel for the Accused:

Mr. Michael G. Karnavas and Ms. Suzana Tomanović for Jadranko Prlić
Ms. Senka Nožica and Mr. Karim A. A. Khan for Bruno Stojic
Mr. Božidar Kovačić and Ms. Nika Pinter for Slobodan Praljak
Ms. Vesna Alaburić and Mr. Nicolas Stewart for Milivoj Petković
Ms. Dijana Tomašegović-Tomić and Mr. Dražen Plavec for Valentin Ćorić
Mr. Fahrudin Ibrišimović and Mr. Roger Sahota for Berislav Pušić

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),

NOTING the “Interlocutory Appeal by Slobodan Praljak, Milivoj Petković, Valentin Ćorić and Berislav Pušić Against the Trial Chamber’s 27 November 2008 *Decision on Presentation of Documents by the Prosecution in Cross-Examination of Defence Witnesses*” filed on 16 January 2009 (“Defence” and “Joint Appeal”, respectively);

BEING SEIZED OF the “Urgent Prosecution Motion for Extension of Time to File Response to the ‘Interlocutory Appeal by Slobodan Praljak, Milivoj Petković, Valentin Ćorić and Berislav Pušić Against the Trial Chamber’s 27 November 2008 *Decision on Presentation of Documents by the Prosecution in Cross-Examination of Defence Witnesses*’ filed on 16 January 2009” filed by the Office of the Prosecutor (“Prosecution”) on 21 January 2009 (“Motion”) seeking an extension of time to file the response to the Joint Appeal until 2 February 2009;¹

NOTING that the Prosecution claims that, due to the fact that the Joint Appeal was filed electronically on Friday, 16 January 2009, after office hours, it was only transmitted to the Prosecution on Monday, 19 January 2009, and that in these circumstances, the Appeals Chamber should accept to calculate the ten day dead-line starting from the Prosecution’s receipt of the Joint Appeal and not from the day when it was filed;²

NOTING that the Prosecution further argues that good cause for an additional extension exists because the Joint Appeal “raises an important and complex issue concerning the use and admission of documents during the Prosecution cross-examination of Defence witnesses”;³

NOTING that the Defence has not filed a response to the Motion but indicated to the Prosecution that it does not object to the extension sought;⁴

CONSIDERING that, pursuant to Rules 107, 126 and 126 *bis* of the Tribunal’s Rules of Procedure and Evidence (“Rules”), a response to the Joint Appeal is due to be filed by 26 January 2009;

RECALLING that the Appeals Chamber may, on good cause being shown by motion, enlarge the time limits prescribed under the Rules;⁵

¹ Motion, paras 3, 9.

² Motion, para. 9.

³ Motion, para. 10.

⁴ Motion, paras 3, 13.

CONSIDERING that the Prosecution is not responsible for the delay in transmission of the Joint Appeal and that it should be given sufficient time to prepare a meaningful response to the Joint Appeal;⁶

FINDING that good cause exists for extending the applicable dead-line until 29 January 2009;

CONSIDERING that the time allotted by the present Decision is ample for the preparation of a comprehensive response to the Joint Appeal;

FINDING therefore that the Prosecution has not shown good cause for the additional extension of time on the grounds of the complexity of the issues involved in the Joint Appeal;

FOR THE FOREGOING REASONS,


HEREBY GRANTS the Motion **IN PART**;

ORDERS the Prosecution to file its response to the Joint Appeal no later than 29 January 2009.

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

Done this 23rd day of January 2009,

At The Hague, The Netherlands.



Judge Andrézia Vaz, Presiding

[Seal of the Tribunal]

⁵ Rule 127(A)(i) of the Rules.

⁶ Cf. *Prosecutor v. Dario Kordić and Mario Čerkez*, Case No. IT-95-14/2-A, Decision on Application by Čerkez for Extensions of Time and Page Limits, 9 July 2003, para. 3; *Ferdinand Nahimana et al.*, Case No. ICTR-99-52-A, Decision on Appellant Jean-Bosco Barayagwiza’s Motion for Extension of Time, 19 March 2007, p. 3; *Georges Anderson Nderubumwe Rutaganda v. The Prosecutor*, Case No. ICTR-96-3-R, Decision on Georges Rutaganda’s Appeal Concerning Access to Closed Session Testimony and Sealed Exhibits, 11 November 2008, fn. 2.