



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-95-5/18-PT

Date: 5 May 2009

Original: English

IN THE TRIAL CHAMBER

Before: Judge Iain Bonomy, Presiding
Judge Christoph Flügge
Judge Michèle Picard

Acting Registrar: Mr. John Hocking

Decision of: 5 May 2009

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**DECISION ON ACCUSED MOTION FOR EXTENSION OF TIME:
CERTIFICATION TO APPEAL DECISION ON SIX PRELIMINARY MOTIONS
CHALLENGING JURISDICTION**

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused

Mr. Radovan Karadžić

THIS TRIAL 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 (“Tribunal”) is seised of the Accused’s “Motion for Extension of Time: Certification to Appeal Decision on Six Preliminary Motions Challenging Jurisdiction”, filed on 4 May 2009 (“Motion”), and hereby renders its decision thereon.

1. On 28 April 2009, the Trial Chamber issued its “Decision on six Preliminary Motions Challenging Jurisdiction” (“Decision”), in which it concluded, *inter alia*, that none of the challenges raised in the Accused’s Preliminary Motions¹ were jurisdictional.² In the Motion the Accused indicates that he intends to appeal the Decision directly and seeks an extension of time for the filing of an application for certification to appeal the Decision “until 7 days after any decision by the Appeals Chamber finding a direct appeal inadmissible”.³ The Accused further argues that he needs to review a translation of the Decision before filing his application for certification to appeal.⁴

2. The Office of the Prosecutor (“Prosecution”) responded on 5 May 2009,⁵ indicating that it does not oppose the Motion but that the need to review a translation of the Decision does not constitute good cause for the requested extension.

3. The Trial Chamber is not satisfied that the Accused has shown good cause for an extension of the time limit within which requests for certification to appeal shall be filed. Rather, the Chamber considers that it is in the interests of a fair and expeditious trial for the Accused to apply immediately for certification to appeal the Decision, so that, should certification be granted, the Appeals Chamber will have a complete picture of all possible issues arising from the Decision before it .

¹ Preliminary Motion to Dismiss Paragraph 60(k) for Lack of Jurisdiction, 10 March 2009; Preliminary Motion to Dismiss Joint Criminal Enterprise III – Foreseeability, 16 March 2009; Preliminary Motion to Dismiss Count 11 for Lack of Jurisdiction, 18 March 2009; Preliminary Motion on Lack of Jurisdiction concerning Omission Liability, 25 March 2009; Preliminary Motion to Dismiss JCE III – Special Intent Crimes, 27 March 2009; and Preliminary Motion on Lack of Jurisdiction: Superior Responsibility, 30 March 2009 (“Preliminary Motions”).

² Decision, para. 33.

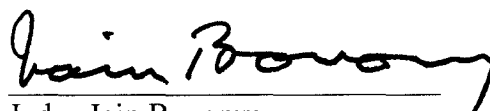
³ Motion, para. 5.

⁴ Motion, paras. 5–6.

⁵ Prosecution Response to Motion for Extension of Time: Certification to Appeal Decision on Six Preliminary Motions Challenging Jurisdiction”, 5 May 2009 (“Response”).

4. Accordingly, the Trial Chamber, pursuant to Rules 54 and 127 of the Rules, hereby **DENIES** the Motion.

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



Judge Iain Bony
Presiding

Dated this fifth day of May 2009
At The Hague
The Netherlands

[Seal of the Tribunal]