



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-05-88-A
Date: 25 June 2010
Original: English

BEFORE THE APPEALS CHAMBER

Before: Judge Patrick Robinson, Pre-Appeal Judge
Registrar: Mr. John Hocking
Decision of: 25 June 2010

PROSECUTOR

v.

**VUJADIN POPOVIĆ
LJUBIŠA BEARA
DRAGO NIKOLIĆ
LJUBOMIR BOROVIČANIN
RADIOVOJE MILETIĆ
MILAN GVERO
VINKO PANDUREVIĆ**

PUBLIC

**DECISION ON JOINT MOTION FOR EXTENSION OF TIME
TO FILE NOTICE OF APPEAL**

The Office of the Prosecutor:

Mr. Peter Kremer, QC

Counsel for the Defence:

Mr. Zoran Živanović and Ms. Mira Tapusković for Mr. Vujadin Popović
Mr. John Ostojić for Mr. Ljubiša Beara
Ms. Jelena Nikolić and Mr. Stéphane Bourgon for Mr. Drago Nikolić
Mr. Christopher Gosnell and Ms. Tatiana Čmerić for Mr. Ljubomir Borovčanin
Ms. Natacha Fauveau Ivanović and Mr. Nenad Petrušić for Mr. Radivoje Miletić
Mr. Dragan Krgović and Mr. David Josse for Mr. Milan Gvero
Mr. Peter Haynes and Mr. Simon Davis for Mr. Vinko Pandurević

I, PATRICK ROBINSON, 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 (“Appeals Chamber” and “Tribunal”, respectively), and pre-appeal Judge in this case;¹

NOTING the “Judgement” rendered by Trial Chamber II on 10 June 2010 (“Judgement”);

BEING SEIZED OF the “Joint Motion for an Extension of Time to File Notice of Appeal” (“Joint Motion”), filed by the Prosecution and Counsel for Vujadin Popović, Ljubiša Beara, Drago Nikolić, and Radivoje Miletić on 18 June 2010 (“Parties”), in which the Parties seek an extension of time of 60 days, up to and including 8 September 2010, to file any notices of appeal in this case;

NOTING the Parties’ submission that although Ljubomir Borovčanin and Vinko Pandurević have not joined the Joint Motion, they have confirmed that they do not oppose it;²

NOTING the Parties’ submission that although the Prosecution considers that a 45 day extension would be sufficient, it joined the Joint Motion for a 60 day extension “so the Chamber can consider a uniform filing date for all notices of appeal” and that “[a]ll parties agree that a common timetable for filings is desirable”;³

NOTING that the remaining party to this case, Milan Gvero, has not yet responded to the Joint Motion;

CONSIDERING that, pursuant to Rule 108 of the Tribunal’s Rules of Procedure and Evidence (“Rules”), parties seeking to appeal a trial judgement should file their notices of appeal no later than 30 days from the date of the judgement, which in this case falls on 10 July 2010;

RECALLING that pursuant to Rules 127(A)(i) and 127(B) of the Rules, the pre-Appeal Judge may, on good cause being shown by motion, enlarge the time limits prescribed under the Rules;

¹ Order Assigning Judges to a Case Before the Appeals Chamber, 24 June 2010.

² Joint Motion, fn. 1.

³ Joint Motion, fn. 1.

NOTING the Parties' submission that good cause exists for granting the Joint Motion in light of, *inter alia*, the size and the complexity of the Judgement and the record upon which it was based;⁴

CONSIDERING the length of the Judgement and the complexity of the issues that it raises;

CONSIDERING that it is in the interests of justice to ensure that the parties have sufficient time to prepare meaningful notices of appeal in full conformity with the applicable provisions;

FINDING on this basis that good cause exists for granting the Parties an extension of 60 days in which to file any notices of appeal;


FOR THE FOREGOING REASONS,

HEREBY GRANT the Joint Motion; and

ORDER all parties wishing to appeal the Judgement to file their notices of appeal within 90 days of the date of the Judgement, *i.e.*, no later than 8 September 2010.

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

Dated this 25th day of June 2010
At The Hague
The Netherlands



Judge Patrick Robinson
Pre-Appeal Judge

[Seal of the Tribunal]

⁴ Joint Motion, paras 2-7, specifying, *inter alia*, that in this case, seven accused were tried jointly in a trial that lasted over three years, that the Judgement is 832 pages long, excluding dissenting and separate opinions and annexes, that each accused was convicted on multiple counts based on an extensive trial record, that 315 witnesses testified during the trial, the trial transcript exceeds 34,900 pages, and the Trial Chamber examined 5,380 exhibits comprising more than 87,390 pages. In addition, "three highly complex theories of criminal liability were examined and applied by the Trial Chamber", "[t]he interplay between these theories of liability also requires careful consideration before deciding whether an appeal is warranted" and "it is essential for the parties to analyse and understand how findings related to one Accused impact on the findings relating to the other accused, both individually and collectively before a final assessment can be made".