



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-05-87/1-A
Date: 16 March 2011
Original: English

IN THE APPEALS CHAMBER

Before: Judge Carmel Agius, Pre-Appeal Judge
Registrar: Mr. John Hocking
Decision of: 16 March 2011

PROSECUTOR
v.

VLASTIMIR ĐORĐEVIĆ

PUBLIC

**DECISION ON VLASTIMIR ĐORĐEVIĆ'S MOTION FOR AN
EXTENSION OF TIME TO FILE A NOTICE OF APPEAL**

The Office of the Prosecutor:

Ms. Christine Dahl

Counsel for the Applicant:

Mr. Dragoljub Đorđević
Mr. Veljko Đurđić

I, **CARMEL AGIUS**, 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 23 February 2011;²

BEING SEISED OF “Vlastimir Đorđević’s Motion for an Extension of Time to File a Notice of Appeal” filed by Counsel for Vlastimir Đorđević (“Applicant” and “Đorđević”, respectively) on 4 March 2011 (“Motion”), in which he seeks an extension of time of 60 days to file a notice of appeal;³

NOTING that the Office of the Prosecutor (“Prosecution”) took no position on the Applicant’s request for extension of time to file his notice of appeal but suggests that, should the Appeals Chamber grant the Motion, the same relief be given to the Prosecution;⁴

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 that judgement, which in this case falls on 25 March 2011;

RECALLING that the Pre-Appeal Judge may, on good cause being shown by motion, enlarge the time limits prescribed under the Rules;⁵

NOTING that the Applicant submits that good cause for the sought extension exists due to the “length of the Trial Judgement, the complexity of the case, the nature of the convictions and the large trial record”;⁶

NOTING that the Applicant points out that “the length of this Trial Judgement is unprecedented for a sole Defendant” and argues that the circumstances of this case require him to review the Trial Judgement in extensive detail;⁷

¹ Order Appointing the Pre-Appeal Judge, 14 March 2011.

² *Prosecutor v. Vlastimir Đorđević*, Case No. IT-05-87/1-T, Public Judgement with Confidential Annex, 23 February 2011 (“Trial Judgement”).

³ Motion, paras 3, 9, p. 5.

⁴ Prosecution Response to Đorđević’s Motion for Extension of Time to File a Notice of Appeal, 9 March 2011, p. 1.

⁵ Rules 127(A)(i) and 127(B) of the Rules.

⁶ Motion, para. 4. See also Motion, para. 7 (noting that, with respect to the complexity of the case, “the Prosecution adduced the testimony of nearly the same number of witnesses in the *Đorđević* case as it did in the case against all six defendants in *Milutinović et al.*”).

⁷ Motion, para. 5.

NOTING that, according to the Applicant, it is necessary for the preparation of the appeal to review not only the record and the Trial Judgement in this case, but also the judgement rendered in the *Milan Milutinović et al.* case which is 1,435 pages long;⁸

NOTING that the Applicant also adds that “portions [of the Trial Judgement] must be translated or communicated to [Đorđević] in a language he understands so that he may have meaningful contribution to a discussion of whether to raise any issue on appeal” and that such an exercise requires substantial use of time and resources;⁹

CONSIDERING that the Applicant’s argument regarding the necessity to perform a renewed review of the *Milutinović et al.* Trial Judgement does not constitute good cause for extension of time for filing his notice of appeal in the present case, given that the said judgement was rendered more than two years ago and the Applicant has therefore had ample time to analyse it;

CONSIDERING, further, that the Applicant’s arguments regarding translation of portions of the Trial Judgement for the purposes of discussing them with Đorđević are only valid inasmuch as they pertain to the length of the Trial Judgement and the complexity of the case, given that the time for the counsel-client discussion of a trial judgement and potential grounds of appeal is comprised into the existing dead-line provided for under the Rules;¹⁰

CONSIDERING, however, that the Trial Judgement is unprecedented for a single-defendant case and involves issues of significant complexity;¹¹

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 that good cause exists for granting an extension on that basis;

FINDING that, in the circumstances of this case, the requested extension of 60 additional days is reasonable and justified;

CONSIDERING that it is in the interests of justice to have a simultaneous briefing schedule in this case;

⁸ Motion, para. 7, referring to *Prosecutor v. Milan Milutinović et al.*, Case No. IT-05-87-T, Judgement, 26 February 2009 (“*Milutinović et al.* Trial Judgement”).

⁹ Motion, para. 6.

¹⁰ See also *Prosecutor v. Milan Milutinović et al.*, Case No. IT-05-87-A, Decision on Motions for Extension of Time to File Notices of Appeal, 23 March 2009 (“*Milutinović et al.* Decision”), p. 3 (explaining that the translation of a trial judgement from English into the language that the convicted person understands does not constitute good cause for

FINDING, therefore, that the Prosecution's request to be accorded the same relief is justified;

EMPHASIZING that the above-granted extension of time should not only enable the parties to prepare their notices of appeal, but also allow them to substantially advance the preparation and completion of their appellant's briefs;

FOR THE FOREGOING REASONS,

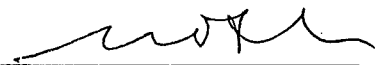
HEREBY GRANT the Motion;

ORDER the parties, should they wish to appeal the Trial Judgement, to file their respective notices of appeal within 90 days of the date of the Trial Judgement, *i.e.* no later than 24 May 2011;

REMIND the Registry of the Tribunal to ensure timely filing of the B/C/S translation of the Trial Judgement.

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

Done this sixteenth day of March 2011,
At The Hague, The Netherlands.


Carmel Agius, Pre-Appeal Judge

[Seal of the Tribunal]

extending the dead-line for filing a notice of appeal in circumstances where Defence Counsel work in the English language).

¹¹ *Cf. Milutinović et al.* Decision, p. 3, and references cited therein.