



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-05-88/2-A
Date: 9 July 2013
Original: English

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Pre-Appeal Judge
Registrar: Mr. John Hocking
Decision of: 9 July 2013

PROSECUTOR

v.

ZDRAVKO TOLIMIR

PUBLIC

**DECISION ON TOLIMIR'S REQUEST FOR A TIME-LIMIT
TO AMEND HIS NOTICE OF APPEAL AND HIS APPEAL
BRIEF**

The Office of the Prosecutor:

Mr. Paul Rogers

The Accused:

Mr. Zdravko Tolimir

I, THEODOR MERON, 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 (“Tribunal”) and Pre-Appeal Judge in this case;¹

NOTING the Judgement of Trial Chamber II in the case of *Prosecutor v. Zdravko Tolimir* rendered on 12 December 2012;²

NOTING the “Notice of Appeal” filed by Zdravko Tolimir (“Tolimir”) on 11 March 2013;

NOTING the “Zdravko Tolimir’s Appeal Brief” filed confidentially by Tolimir on 28 June 2013;

BEING SEISED OF the oral request made by Tolimir during the status conference on 5 July 2013 in which he requested a four-month time-limit following the translation of the Trial Judgement into B/C/S to file a motion seeking to amend his notice of appeal and his appeal brief (“Motion”);³

NOTING Tolimir’s submission that his request is based on: (i) the size of the Trial Judgment and (ii) the jurisprudence of the Tribunal in cases of similar complexity;⁴

NOTING the response given orally by the Office of the Prosecutor (“Prosecution”) at the status conference on 5 July 2013 that the requested four-month time-limit is excessive;⁵

CONSIDERING that pursuant to Rule 108 of the Tribunal’s Rule of Procedure and Evidence (“Rules”) the Appeals Chamber may, on good cause being shown by motion, authorise a variation of the grounds of appeal;

CONSIDERING that the availability of the Trial Judgement in the language of the appellant may give rise to a motion for variation of the grounds of appeal and that reasonable time-limits may be allowed for the filing of such motions;⁶

¹ Order Designating a Pre-Appeal Judge. 27 December 2012.

² *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-T, Public Judgement with Confidential Annex C, 12 December 2012 (“Trial Judgement”)

³ See T 5 July 2013 pp. 4-5.

⁴ T. 5 July 2013 pp 4-5, citing *Prosecutor v. Vujadin Popović et al.*, Case No IT-05-88-A, Order Setting a Time-Limit to File Any Motion Seeking a Variation of the Grounds of Appeal following Translation of the Trial Judgement into the BCS Language, 3 January 2012 (“*Popović et al.* Order”).

⁵ T 5 July 2013 p 5

⁶ See, e.g., *Prosecutor v. Vlastimir Đorđević*, Case No. IT-05-87/1-A, Order Setting a Time Limit to File Any Motion Seeking a Variation of the Grounds of Appeal Following Translation of the Trial Judgement into the BCS Language, 18 October 2012, pp 1-2 (setting a six-week time-limit for the filing of any motion for variation of the grounds of appeal following the translation of the trial judgement into the language of the appellant).

CONSIDERING that the official B/C/S translation of the Trial Judgement was made available on 6 June 2013;⁷

CONSIDERING the length of the B/C/S translation of the Trial Judgement;⁸

CONSIDERING that the circumstances of the present case are materially distinct from the circumstances of the *Popović et al.* case⁹ cited by Tolimir in that the present case involves a single appellant, the translation of the Trial Judgement is of a shorter length,¹⁰ and there is no-cross appeal;

RECALLING that a Chamber must ensure that the proceedings before it are fair and expeditious pursuant to Article 20(1) of the Statute of the Tribunal and that Mr. Tolimir is self-represented in this Appeal;

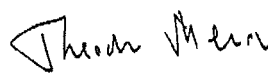
FINDING that in light of the length of the B/C/S translation of the Trial Judgement, the requested four-month time-limit for the filing of a motion for variation of the grounds of appeal is excessive but that it is in the interests of justice to grant Mr. Tolimir a reasonable time-limit for the filing of amendments to his notice of appeal;

PURSUANT to Rules 54, 107, and 108 of the Rules;

HEREBY GRANT the Motion **IN PART** and **ORDER** that any motion seeking variation of the notice of appeal based upon the B/C/S translation of the Trial Judgement shall be filed no later than 6 August 2013.

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

Done this 9th day of July 2013,
At The Hague,
The Netherlands.



Judge Theodor Meron
Pre-Appeal Judge

[Seal of the Tribunal]

⁷ *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-T, Presuda, 6 June 2013 (public, with confidential Annex C) (“B/C/S translation of the Trial Judgement”).

⁸ The B/C/S translation of the Trial Judgement consists of 533 pages.

⁹ *Prosecutor v. Vujadin Popović et al.*, Case No. IT-05-88-A.

¹⁰ I note that the B/C/S translation of the trial judgement in *Prosecutor v. Vujadin Popović et al.*, Case No. IT-05-88-T, is 951 pages long *Popović et al.* Order, n. 7