



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-A
Date: 9 October 2014
Original: English

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Presiding
Judge Carmel Agius
Judge Patrick Robinson
Judge Fausto Pocar
Judge Liu Daqun

Registrar: Mr. John Hocking

Decision of: 9 October 2014

PROSECUTOR

v.

**JADRANKO PRLIĆ
BRUNO STOJIĆ
SLOBODAN PRALJAK
MILIVOJ PETKOVIĆ
VALENTIN ČORIĆ
BERISLAV PUŠIĆ**

PUBLIC

**DECISION ON APPELLANTS' REQUESTS FOR EXTENSION
OF TIME AND WORD LIMITS**

The Office of the Prosecutor:

Mr. Douglas Stringer
Mr. Mathias Marcussen

Counsel for the Defence:

Mr. Michael G. Karnavas and Ms. Suzana Tomanović for Mr. Jadranko Prlić
Ms. Senka Nožica and Mr. Karim A. A. Khan for Mr. Bruno Stojić
Ms. Nika Pinter and Ms. Nataša Fauveau-Ivanović for Mr. Slobodan Praljak
Ms. Vesna Alaburić and Mr. Guénaél Mettraux for Mr. Milivoj Petković
Ms. Dijana Tomašegović-Tomić and Mr. Dražen Plavec for Mr. Valentin Čorić
Mr. Fahrudin Ibrišimović and Mr. Roger Sahota for Mr. 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);

RECALLING the judgement rendered in French by Trial Chamber III of the Tribunal on 29 May 2013 and the English translation thereof filed on 6 June 2014;¹

RECALLING the “Decision on Defence Motions to Extend Time and/or Exceed Word Limits for Appeal Briefs and Prosecution Motion for Extension of Time to File Respondent’s Briefs”, issued by the pre-appeal judge in this case (“Pre-Appeal Judge”) on 22 August 2014 (“2014 Decision on Extensions”), in which the Pre-Appeal Judge granted: (i) 15 additional days to all parties in this case for the filing of their Appellant’s briefs and 15 additional days to the Prosecution for the filing of its Respondent’s brief(s); and (ii) the requests for extensions of word limits, in part, allowing for an extension of 15,000 words for each Appellant’s brief and corresponding extensions for the Prosecution’s Respondent’s brief(s);²

RECALLING the “Decision on Motions for Reconsideration”, issued by the Pre-Appeal Judge on 5 September 2014 (“Decision on Reconsideration”), in which the Pre-Appeal Judge granted the parties’ requests for reconsideration of the 2014 Decision on Extensions in part, allowing 45 additional days to the Prosecution for the filing of its Respondent’s brief(s), but denying the parties’ requests for additional time to file their respective Appellant’s briefs;³

RECALLING FURTHER the “Decision on Motions for Referral to the Panel of Judges”, issued by the Pre-Appeal Judge on 18 September 2014, in which the Pre-Appeal Judge granted the parties’ requests that the extensions of time and word limits be considered by the full bench of the Appeals Chamber seised of this case, and referred these requests to the bench;

BEING SEISED OF “Jadranko Prlić’s Motion to the Pre-Appeal Judge to Refer the Requests for Extension of Time and Word Limit to the Panel of Judges”, filed by Jadranko Prlić (“Prlić”) on 15 September 2014 (“Prlić Request”), in which Prlić: (i) requests, *inter alia*, that the filing date for his Appellant’s brief be extended 60 days beyond the original 75-day deadline prescribed under the Tribunal’s Rules of Procedure and Evidence (“Rules”) and that the word count be extended to

¹ *Prosecutor v. Jadranko Prlić et al.*, Case No. IT-04-74-T, Judgement, 6 June 2014 (French original filed on 29 May 2013) (“Trial Judgement”).

² 2014 Decision on Extensions, p. 5.

³ Decision on Reconsideration, pp. 4-5.

50,000 words, and (ii) submits that given the scope, volume, and complexity of the Trial Judgement, the requested extensions are reasonable and in the interests of justice;⁴

BEING FURTHER SEISED OF: (i) “Slobodan Praljak’s Joinder to Jadranko Prlić’s [*sic*] Motion to the Pre-Appeal Judge to Refer the Request for Extension of Time and Word Limit to the Panel of Judges”, filed by Slobodan Praljak (“Praljak”) on 15 September 2014 (“Praljak Joinder”); (ii) “Milivoj Petković’s Joinder to Jadranko Prlić’s Motion to the Pre-Appeal Judge to Refer the Request for Extension of Time and Word Limit to the Panel of Judges”, filed by Milivoj Petković (“Petković”) on 16 September 2014 (“Petković Joinder”); (iii) the “Joinder in ‘Jadranko Prlić’s Motion to the Pre-Appeal Judge to Refer the Requests for Extension of Time and Word Limit to the Panel of Judges’”, filed by Valentin Ćorić (“Ćorić”) on 17 September 2014 (“Ćorić Joinder”); and (iv) “Bruno Stojić’s Joinder to Prlić Motion to Refer the Requests for Extension of Time and Word Limit to the Panel of Judges”, filed by Bruno Stojić (“Stojić” and, together with Prlić, Praljak, Petković, and Ćorić, the “Appellants”) on 17 September 2014 (“Stojić Joinder” and, together with the Prlić Request and the Praljak, Petković, and Ćorić Joinders, the “Motions”), in which Praljak, Petković, Ćorić, and Stojić join the Prlić Request;⁵

NOTING the “Prosecution’s Response to Motion to the Pre-Appeal Judge to Refer the Requests for Extension of Time and Word Limit to the Panel of Judges”, filed by the Office of the Prosecutor (“Prosecution”) on 17 September 2014 (“Prosecution Response”), in which the Prosecution supports the Motions regarding the requested extensions of time for the filing of Appellants’ briefs, opposes the Motions regarding the requested extensions of words, and requests that: (i) any changes in the time limit should be extended to all parties in this case; and (ii) a corresponding increase of the word limit for its Respondent’s brief(s) be granted if the word limit for the Appellant’s briefs is further increased;⁶

RECALLING that, pursuant to Rule 111(A) of the Rules, an Appellant’s brief shall be filed within 75 days of filing of the notice of appeal and, pursuant to Rule 112(A) of the Rules, a Respondent’s brief shall be filed within 40 days of filing of the Appellant’s brief;

⁴ Prlić Request, p. 7.

⁵ See Praljak Joinder, paras 3, 9; Petković Joinder, paras 3, 13; Ćorić Joinder, para. 10, p. 5; Stojić Joinder, para. 1, p. 3. The Appeals Chamber notes that, while Ćorić and Stojić do not explicitly join the Prlić Request with respect to the extension of the word limit, they in fact join the Prlić Request in its entirety, which includes a request for increase of the word limit. See Ćorić Joinder, paras 10, 11, p. 5; Stojić Joinder, para. 1, p. 3. The Appeals Chamber further notes that both Ćorić and Stojić requested a similar increase of the word limit in their original motions for extension of time and word limit. See Motion to Enlarge Time for Filing of Appellant’s Brief and Word Count, Presented on Behalf of Valentin Ćorić, 4 August 2014; Bruno Stojić’s Motion for an Extension of Time for Filing of the Appellant’s Brief and Extension of the Applicable Word Limit, 5 August 2014.

⁶ Prosecution Response, paras 1-2. The Appeals Chamber notes that the Prosecution originally requested an extension of 75 days to file its Respondent’s brief. See Prosecution Motion for Reconsideration of Decision Denying Requested Extensions of Time, 29 August 2014 (“Prosecution Motion for Reconsideration”), paras 1, 4-5, 8.

RECALLING that, pursuant to Rule 127(A)(i) and (B) of the Rules, the time-limits prescribed under the Rules may be enlarged, on good cause being shown;

CONSIDERING that the deadlines for the filing of briefs pursuant to Rule 111(A) and 112(A) of the Rules are essential to ensuring appeal proceedings are conducted in a fair and expeditious manner;⁷

CONSIDERING, nonetheless, that it is in the interests of justice to ensure that the parties have sufficient time to prepare meaningful briefs in full conformity with the relevant provisions;⁸

RECALLING, further, the Prosecution's request that the deadline for all Appellant's briefs be set the first day after the next winter judicial recess, *i.e.* 12 January 2015,⁹ because of limited staff availability over the winter judicial recess,¹⁰ which has been recognized as a factor warranting an extension of filing deadlines;¹¹

CONSIDERING that it is in the interests of justice and effective case management to maintain a harmonised briefing schedule;¹²

FINDING that the parties have shown good cause for the extension of the deadlines for the filing of their Appellant's briefs and Respondent's brief(s);

RECALLING that paragraph (C)1(a) of the Practice Direction on the Length of Briefs and Motions of 16 September 2005¹³ stipulates that an Appellant's brief on appeal from a final judgement of a trial chamber should not exceed 30,000 words and that paragraph (C)7 of the Practice Direction provides that extension of the word limit may be granted upon the showing of exceptional circumstances;

RECALLING the Pre-Appeal Judge's decision to extend the word limit for (i) the Appellant's briefs of Praljak and the Prosecution from 30,000 to 45,000 words, given "the length of the Trial

⁷ *Prosecutor v. Vujadin Popović et al.*, Case No. IT-05-88-A, Decision on Motions for Extension of Time and for Permission to Exceed Word Limitations, 20 October 2010 ("*Popović et al.* Decision"), p. 5 and references cited therein.

⁸ See Decision on Motions for an Extension of Time to File Notices of Appeal and Other Relief, 21 June 2013 ("*21 June 2013 Decision*"), p. 3.

⁹ See Prosecution's Consolidated Response to Defence's Motions to Extend Time and/or Exceed Word Limits for Appeal Briefs and Prosecution's Motion for Extension of Time to File Respondent's Briefs, 13 August 2014, para. 8. See also Prosecution Motion for Reconsideration, paras 3, 8.

¹⁰ Prosecution Motion for Reconsideration, paras 4(iv), 7(iii), fn. 6.

¹¹ See Decision on Reconsideration, p. 4 and references cited therein.

¹² See generally 21 June 2013 Decision. In this regard, the Appeals Chamber notes that, while Berislav Pušić ("*Pušić*") has not filed a joinder to the Prlić Request, the extensions of time and word limits granted in this decision will equally apply to him.

¹³ IT/184 Rev. 2, 16 September 2005 ("*Practice Direction*").

Judgement and the complexity of issues raised during the course of the trial"; and (ii) the Prosecution's Respondent's brief to Praljak's Appellant's brief from 30,000 to 45,000 words;¹⁴

CONSIDERING that all the Appellants have requested that the word limit be extended to 50,000 words;¹⁵

CONSIDERING that the reasoning justifying an extension for the word limit of the Prosecution's Respondent's brief to Praljak's Appellant's brief applies equally to the Respondent's briefs the Prosecution must file with respect to the other Appellants;

CONSIDERING FURTHER that paragraph (C)1(b) of the Practice Direction reflects the principle of allowing the respondent to file a brief of the same length as the Appellant's brief¹⁶ and that, therefore, equal extensions of the word limits of the Respondent's brief(s) are warranted;

FINDING that the parties have shown exceptional circumstances for the extension of word limits for the filings of their Appellant's briefs and Respondent's brief(s);

FOR THE FOREGOING REASONS,

HEREBY GRANTS the Motions;

ORDERS that all of the Appellant's briefs, including that of Pušić, shall be filed no later than 12 January 2015;

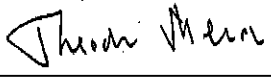
ORDERS that (i) the Defence and Prosecution Respondent's brief(s) be filed no later than 7 May 2015 and (ii) the Defence and Prosecution's reply briefs be filed no later than 29 May 2015;

ALLOWS the Appellants, together with Pušić, 50,000 words for their Appellant's briefs; and

ORDERS that the Prosecution's Respondent's brief(s) shall not exceed 300,000 words in total.

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

Done this 9th day of October 2014,
At The Hague,
The Netherlands.



Judge Theodor Meron
Presiding

[Seal of the Tribunal]

¹⁴ Decision on Motions for Extension of Time to File Appeal Briefs and for Authorization to Exceed Word Limit, 22 August 2013, paras 17, 18.

¹⁵ See *supra*, pp. 1-2.

¹⁶ See *Popović et al.* Decision, p. 6.