

**UNITED
NATIONS**



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-98-32/1-AR11 bis.1
Date: 5 June 2007
Original: English

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Presiding
Judge Mohamed Shahabuddeen
Judge Mehmet Güney
Judge Liu Daqun
Judge Andréia Vaz

Registrar: Mr. Hans Holthuis

Decision of: 5 June 2007

PROSECUTOR

v.

**MILAN LUKIĆ &
SREDOJE LUKIĆ**

PUBLIC

**DECISION ON MILAN LUKIĆ'S MOTION FOR LEAVE TO
FILE AN AMENDED NOTICE OF APPEAL AND FOR AN
EXTENSION OF TIME FOR FILING HIS APPEAL BRIEF**

The Office of the Prosecutor:

Ms. Carla Del Ponte
Mr. Mark B. Harmon
Ms. Susan Somers

Counsel for Milan Lukić

Mr. Alan L. Yatvin
Ms. Jelena Đ. Lopičić Jančić

Counsel for Sredoje Lukić

Mr. Đuro Čepić
Mr. Jens Dieckmann

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),

CONSIDERING that the Appeals Chamber is presently seized with an appeal by Milan Lukić from the Referral Bench’s “Decision on Referral of Case Pursuant to Rule 11 *Bis* with Confidential Annex A and Annex B”, filed on 5 April 2007 (“Referral Decision”);¹

BEING SEIZED of Milan Lukić’s “Motion for Leave to File Amended Notice of Appeal and to Extend Time for Filing Appeal Brief”, filed on 25 April 2007 (“Motion”), in which Milan Lukić requests “leave to file an Amended Notice of Appeal to raise any and all errors of law or fact that may become apparent upon receipt and review of a copy of the Referral Decision in his own language [B/C/S], and that the time for filing of his appeal brief be stayed until Thirty (30) days after his receipt of such a translated Referral Decision”;²

NOTING the “Prosecutor’s Response to Defence Motion for Leave to File Amended Notice of Appeal and to Extend Time for Filing Appeal Brief”, filed 3 May 2007 (“Response”), in which the Prosecution opposes the Motion as failing to demonstrate good cause either for amending the Notice of Appeal or for extending the time for filing an appeal brief;

NOTING that Milan Lukić has not filed a reply to the Response;

FURTHER NOTING that Milan Lukić filed the “Brief of Appellant Milan Lukić” (“Appeal Brief”) on 3 May 2007;

CONSIDERING that Milan Lukić has failed to establish good cause for leave to amend his notice of appeal in the future conditioned upon receipt of the B/C/S translation of the Referral Decision, since with regard to appeals of decisions made pursuant to Rule 11 *bis* of the Rules of Procedure and Evidence, “it is sufficient, for the purpose of preparing a notice of appeal, that Appellant’s counsel be able to read and understand” the challenged decision;³

FURTHER CONSIDERING that in light of the filing of the Appeal Brief, the Motion is now moot with regard to the requested extension of time for the filing of Milan Lukić’s appeal brief;

¹ See Notice of Appeal of Milan Lukić from 5 April 2007 Decision on Referral of Case Pursuant to Rule 11 *Bis*, 19 April 2007; Brief of Appellant Milan Lukić, 3 May 2007; Prosecution Response to Brief of Milan Lukić, 14 May 2007; Reply Brief of Appellant Milan Lukić, 17 May 2007.

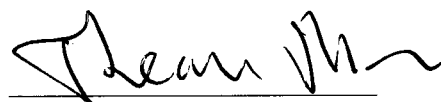
² Motion, para. 9.

³ *Prosecutor v. Radovan Stanković*, Case No. IT-96-23/2-AR11*bis*.1, Decision on Defence Application for Extension of Time to File Notice of Appeal, 9 June 2005, para. 20.

THEREFORE DISMISSES the Motion in its entirety.

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

Dated this 5th day of June 2007,
At The Hague, The Netherlands.



Theodor Meron
Presiding Judge

[Seal of the Tribunal]