



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-04-81-A
Date: 24 November 2011
Original: English

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Pre-Appeal Judge
Registrar: Mr. John Hocking
Decision: 24 November 2011

PROSECUTOR

v.

MOMČILO PERIŠIĆ

PUBLIC

**DECISION ON MOMČILO PERIŠIĆ'S MOTION
FOR AN EXTENSION OF TIME TO FILE HIS APPEAL BRIEF**

The Office of the Prosecutor:

Ms. Helen Brady

Counsel for Momčilo Perišić:

Mr. Novak Lukić
Mr. Gregor Guy-Smith

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

BEING SEISED of “Mr. Perišić’s Request for an Extension of Time to File his Appeal Brief”, filed by Momičilo Perišić (“Perišić”) on 21 November 2011 (“Motion”), by which he seeks permission to file his appeal brief on 6 February 2011 rather than on 23 January 2011;²

NOTING Perišić’s submission that good cause exists for granting an extension of time in light of, *inter alia*, the difficulty of coordinating work activities during the Gregorian and Julian Christmas and New Year’s holidays, and the need for defence team members to work closely together;³

NOTING the “Prosecution Response to Defence Motion for Extension of Time to File Appeal Brief”, filed by the Office of the Prosecutor (“Prosecution”) on 22 November 2011, which does not oppose the Motion;⁴

CONSIDERING that, pursuant to Rule 111 of the Rules of Procedure and Evidence of the Tribunals (“Rules”), a party seeking to appeal a trial judgement should file an appellant’s brief no later than seventy-five days from the date its notice of appeal is filed;

NOTING the “Notice of Appeal of Momčilo Perišić”, filed by Perišić on 8 November 2011;

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

CONSIDERING that holiday commitments do not constitute good cause for granting an extension of time,⁵ and thus that Perišić has not demonstrated such good cause;

CONSIDERING however that the Prosecution does not object to the Motion, and that this extension of time will not impact the overall time dedicated to considering the appeal;⁶

RECALLING my general powers under Rules 54 and 107 of the Rules;

¹ Order Designating a Pre-Appeal Judge, 15 September 2011.

² Motion, paras 3, 8.

³ Motion, paras 4-6.

⁴ Response, para. 2.

⁵ See *Prosecutor v. Ljube Bošković and Johan Tarčulovski*, Case No. IT-04-82-A, Decision on Tarčulovski’s Urgent Motion for Extension of Time to File his Reply Brief, 17 April 2009, p. 2.

⁶ Cf. *Callixte Kalimanzira v. The Prosecutor*, Case No. ICTR-05-88-A, Decision on Callixte Kalimanzira’s Motion for an Extension of Time for the Filing of his Respondent’s Brief, 26 October 2009, para. 5.

FOR THE FOREGOING REASONS,

HEREBY GRANT the Motion.

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

Done this 24th day of November 2011,
At The Hague,
The Netherlands.



Judge Theodor Meron
Pre-Appeal Judge

[Seal of the Tribunal]