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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-04-74-A
Date: 21 June 2013
Original: English

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Pre-Appeal Judge
Registrar: Mr. John Hocking
Decision of: 21 June 2013

PROSECUTOR

v.

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

PUBLIC

**DECISION ON MOTIONS FOR AN EXTENSION OF TIME TO
FILE NOTICES OF APPEAL AND OTHER RELIEF**

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

I, THEODOR MERON, Presiding 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 rendered by Trial Chamber III of the Tribunal in French on 29 May 2013;²

BEING SEISED OF “Jadranko Prlić’s and Bruno Stojić’s Joint Motion for Extension of Time to File Notices of Appeal”, filed jointly by Jadranko Prlić (“Prlić”) and Bruno Stojić (“Stojić”) on 6 June 2013 (“Prlić and Stojić Motion”), by which Prlić and Stojić seek an extension of time to file their respective notices of appeal against the Trial Judgement, and, in particular, request permission to file their respective notices of appeal within 60 days of the issuance of the English translation of the Trial Judgement;³

BEING FURTHER SEISED OF the “Expedited Motion on Behalf of Valentin Ćorić Seeking an Extension of Time to File Notice of Appeal and Associated Relief”, filed by Valentin Ćorić (“Ćorić”) on 10 June 2013 (“Ćorić Motion”), by which Ćorić seeks: (i) an extension of 90 days beyond the time allotted by the Rules of Procedure and Evidence of the Tribunal (“Rules”) to file his notice of appeal against the Trial Judgement; and (ii) an instruction to the Registry of the Tribunal (“Registry”) to provide him with additional resources for the purpose of securing the services of a French-Bosnian/Croatian/Serbian (“BCS”) interpreter, on a full-time basis, at least until the submission of his notice of appeal;⁴

BEING FURTHER SEISED OF “Milivoj Petković’s Motion for an Extension of Time to File his Notice of Appeal”, filed by Milivoj Petković (“Petković”) on 10 June 2013 (“Petković Motion”), by which Petković requests an extension of time for the filing of his notice of appeal against the Trial Judgement until either: (i) 60 days after the issuance of the English translation of the Trial Judgement, as requested in the Prlić and Stojić Motion; or (ii) 90 days after the time allotted by the Rules for the filing of his notice of appeal;⁵

¹ Order Designating a Pre-Appeal Judge, 19 June 2013, p. 1.

² *Prosecutor v. Jadranko Prlić et al.*, Case No. IT-04-74-T, Judgement, 29 May 2013 (“Trial Judgement”).

³ Prlić and Stojić Motion, para. 2, p. 5.

⁴ Ćorić Motion, paras 1, 15, 28.

⁵ See Petković Motion, paras 3, 19.

BEING FURTHER SEISED OF the “Prosecution Joinder in Defence Motions for an Extension of Time to File Notices of Appeal”, filed by the Office of the Prosecutor of the Tribunal (“Prosecution”) on 14 June 2013 (“Prosecution Joinder”), by which the Prosecution: (i) joins the requests of Prlić, Stojić, Ćorić, and Petković for an extension of time to file notices of appeal and, in light of the complexity of the case, submits that it is in the interests of justice to enlarge the deadline for all the parties to file notices of appeal; (ii) requests an extension of time for the filing of notices of appeal of at least 60 days; and (iii) further requests that the same extension of time be granted to all parties to ensure simultaneous briefing or, in the alternative, requests that the briefing schedule be suspended until the expiry of the last deadline for the filing of a notice of appeal so as to ensure simultaneous briefing;⁶

NOTING that the parties have not filed responses or replies to the above-mentioned motions and joinder;⁷

CONSIDERING that, pursuant to Rule 108 of the Rules, parties seeking to appeal a trial judgement should file their notices of appeal no later than 30 days from the date of the judgement;

RECALLING that, pursuant to Rules 127 of the Rules, a Pre-Appeal Judge may, on good cause being shown, enlarge the time limits prescribed under the Rules;⁸

NOTING the submissions of Prlić, Stojić, Ćorić, and Petković that good cause exists for granting the requested extensions of time in light of, *inter alia*, the length and complexity of the Trial Judgement, the size of the trial record, and the present unavailability of the Trial Judgement in a language understood by Prlić, Stojić, Ćorić, Petković, and their respective counsel;⁹

⁶ Prosecution Joinder, paras 1, 5. The Prosecution further requests that the matter be decided urgently, in view of the impending deadline to file notices of appeal. Prosecution Joinder, para 5

⁷ In view of the relief granted in this Decision, I find that rendering this Decision prior to the expiry of the deadlines for the filing of responses and replies is in the interests of justice and without prejudice to the parties.

⁸ See also, e.g., *Prosecutor v Mićo Stanišić and Stojan Župljanin*, Case No. IT-08-91-A, Decision on Joint Defence Motion Seeking Extension of Time to File Notice of Appeal, 16 April 2013, p. 1; *Prosecutor v Zdravko Tolimir*, Case No. IT-05-88/2-A, Decision on Zdravko Tolimir’s Motion for an Extension of Time to File a Notice of Appeal, 3 January 2013, p. 1.

⁹ Prlić and Stojić Motion, paras 8-12, Ćorić Motion, paras 2, 6-12, 16-21, 23, 25; Petković Motion, paras 5-7, 12-14. See also Prosecution Joinder, paras 1-2. Petković submits that while his Co-Counsel reads French, Co-Counsel was only assigned as counsel on 2 May 2013 and is still in the process of familiarizing himself with various aspects of the record. See Petković Motion, para 14.

FURTHER NOTING the Prosecution's submission that the complexity of the case warrants the granting of a substantial extension to all parties;¹⁰

CONSIDERING the exceptional length of the Trial Judgement and the complexity of the issues it raises;¹¹

CONSIDERING that it is in the interests of justice to ensure that all parties have sufficient time to prepare meaningful notices of appeal in full conformity with the applicable provisions;

FINDING, therefore, that good cause exists for granting an extension of the time allotted by Rule 108 of the Rules in which to file any notices of appeal from the Trial Judgement;

RECALLING that, pursuant to Rule 108 of the Rules, the Appeals Chamber of the Tribunal may, after the filing of the notice of appeal by a party and on good cause being shown by motion, authorize a variation of grounds of appeal;

CONSIDERING that Prlić, Stojić, Ćorić, and Petković will have the opportunity, if they so wish, to request variation of their grounds of appeal after having read the BCS translation of the Trial Judgement, provided that they show good cause;

FINDING, therefore, that it would be unreasonable to delay the appellate proceedings until the filing of the BCS translation of the Trial Judgement;

NOTING that Counsel for Prlić, Stojić, and Ćorić and Lead Counsel for Petković work in English and that although Petković's Co-Counsel reads French, Co-Counsel was only recently assigned to the case;

NOTING that the Prosecution does not object to the granting of extensions of more than 60 days but submits that allowing the parties to proceed with non-synchronized briefing schedules would give rise to unfairness and inefficiency;¹²

CONSIDERING that the Prosecution has not demonstrated that the interests of justice and effective case management warrant granting all parties an equal extension for the filing of notices of appeal or otherwise suspending the briefing schedule at this time;

¹⁰ Prosecution Joinder, paras 1-2.

FINDING that granting Prlić, Stojić, Ćorić, and Petković an extension of 60 days from the issuance of the English translation of the Trial Judgement for the filing of notices of appeal is justified by the circumstances of the case;

FURTHER FINDING that granting the Prosecution and the remaining parties an extension of 60 days beyond the time allotted by Rule 108 of the Rules for the filing of notices of appeal is justified by the circumstances of the case;

CONSIDERING that granting such extensions is without prejudice to the parties' right to file their respective notices of appeal sooner;

FINDING that, in view of the extension of time granted for the filing of his notice of appeal, Ćorić's request for an instruction to the Registry to provide him with additional resources for the purpose of securing the services of a French-BCS interpreter at least until the submission of his notice of appeal¹³ is moot;

NOTING that, in accordance with Security Council Resolution 1966 (2010) and with respect to cases originating before the Tribunal, the Tribunal has competence to conduct and complete all appellate proceedings for which the notice of appeal against the judgement or sentence is filed prior to 1 July 2013, while the International Residual Mechanism for Criminal Tribunals will have competence to conduct and complete all appellate proceedings for which the notice of appeal against the judgement or sentence is filed on or after 1 July 2013;¹⁴

FOR THE FOREGOING REASONS,

HEREBY GRANT the Prlić and Stojić Motion and the Petković Motion;

GRANT the Ćorić Motion and the Prosecution Joinder **in part**;

ORDER that the notices of appeal of Prlić, Stojić, Ćorić, and Petković be filed within 60 days of the issuance of the English translation of the Trial Judgement;

¹¹ See generally Trial Judgement.

¹² See Prosecution Joinder, paras 1, 3-5.

¹³ See Ćorić Motion, paras 8-15.

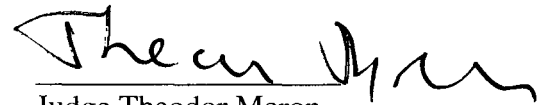
¹⁴ See U.N. Security Council Resolution 1966, U.N. Doc. S/RES/1966, 22 December 2010, paras 1, 2 and Annex 2, Art 2.

FURTHER ORDER, without prejudice, that the notices of appeal of the remaining parties, if any, may be filed within 90 days of the issuance of the Trial Judgement; and

REMIND the Registry to ensure timely filing of the English and BCS translations of the Trial Judgement.

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

Done this 21st day of June 2013,
At The Hague,
The Netherlands.


Judge Theodor Meron
Pre-Appeal Judge

[Seal of the Tribunal]