



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-08-91-A
Date: 16 April 2013
Original: English

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Pre-Appeal Judge
Registrar: Mr. John Hocking
Decision of: 16 April 2013

PROSECUTOR

v.

**MIĆO STANIŠIĆ
STOJAN ŽUPLJANIN**

PUBLIC

**DECISION ON JOINT DEFENCE MOTION
SEEKING EXTENSION OF TIME
TO FILE NOTICE OF APPEAL**

The Office of the Prosecutor:

Ms. Helen Brady

Counsel for the Defense:

Mr. Slobodan Zečević for Mićo Stanišić
Mr. Dragan Krgović for Stojan Župljanin

I, THEODOR MERON, President 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 II of the Tribunal on 27 March 2013 (“Trial Judgement”);²

BEING SEISED of the “Joint Defence Motion Seeking Extension of Time to File Notice of Appeal”, filed jointly by Mićo Stanišić and Stojan Župljanin (“Appellants”) on 5 April 2013 (“Motion”), by which the Appellants seek an extension of time of 30 days beyond the time allotted by the Rules of Procedure and Evidence of the Tribunal (“Rules”), up to and including 27 May 2013, to file their notices of appeal;³

NOTING the “Prosecution Response to the Joint Defence Motion Seeking Extension of Time to File Notice of Appeal”, filed by the Office of the Prosecutor (“Prosecution”) on 8 April 2013 (“Response”), in which the Prosecution states that it does not oppose the Motion, but requests an equal 30-day extension to file any notice of appeal if the Motion is granted;⁴

CONSIDERING that, pursuant to Rule 108 of the Rules, a party seeking to appeal a trial judgement should file a notice of appeal setting forth the grounds of the appeal no later than 30 days from the date the judgement was pronounced;

RECALLING that, pursuant to Rule 127 of the Rules, a Pre-Appeal Judge may, on good cause being shown by motion, enlarge the time limits prescribed under the Rules;⁵

NOTING the Appellants’ submission that good cause exists for granting the requested extension of time in light of, *inter alia*, the length and complexity of the Trial Judgement, the size of the trial record, the unavailability of the Trial Judgement in a language understood by the Appellants as of the date of the Motion, and the volume of material disclosed by the Prosecution since the end of the trial;⁶

¹ Order Designating a Pre-Appeal Judge, 15 April 2013

² Case No. IT-08-91-T.

³ Motion, paras 12-13.

⁴ Response, paras 1-2.

⁵ See, e.g., *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, pp. 1-2; *Prosecutor v. Momčilo Perišić*, Case No. IT-04-81-A, Decision on Momčilo Perišić’s Motion for an Extension of Time to File a Notice of Appeal, 16 September 2011, p. 1.

⁶ Motion, paras 2, 6-11.

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

CONSIDERING that the Prosecution does not oppose the Motion;

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

FINDING, however, that the extension of 30 days requested by the Appellants is not justified by the circumstances of the case, and that a shorter extension of 15 days is more appropriate;

FOR THE FOREGOING REASONS,

HEREBY GRANT the Motion in part; and

ORDER that all notices of appeal be filed within 45 days from the date of the Trial Judgement.

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

Done this 16th day of April 2013,
At The Hague,
The Netherlands.



Judge Theodor Meron
Pre-Appeal Judge

[Seal of the Tribunal]