



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-T
Date: 7 April 2010
Original: English

BEFORE THE DUTY JUDGE

Before: Judge Fausto Pocar, Duty Judge
Registrar: Mr. John Hocking
Decision of: 7 April 2010

PROSECUTOR

v.

MIĆO STANIŠIĆ AND STOJAN ŽUPLJANIN

PUBLIC

**DECISION DENYING THE PROSECUTION
MOTION FOR AN EXTENSION OF TIME TO REQUEST
CERTIFICATION TO APPEAL THE DECISION GRANTING
IN PART PROSECUTION'S MOTIONS FOR JUDICIAL NOTICE
OF ADJUDICATED FACTS PURSUANT TO RULE 94(B)**

The Office of the Prosecutor

Ms. Joanna Korner
Mr. Thomas Hannis

Counsel for the Accused

Mr. Slobodan Zečević and Mr. Slobodan Cvijetić for Mićo Stanišić
Mr. Igor Pantelić and Mr. Dragan Krgović for Stojan Župljanin

I, FAUSTO POCAR, Judge 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”), acting in my current capacity as Duty Judge in accordance with Rule 28 of the Rules of Procedure and Evidence (“Rules”), am seised of the “Prosecution motion for an extension of time to request certification to appeal the decision granting in part the Prosecution’s motions for judicial notice of adjudicated facts pursuant to Rule 94(B)”, filed on 6 April 2010 (“Motion”), whereby the Prosecution seeks an extension of time pursuant to Rule 127 of the Rules to Friday 16 April 2010 to file a request for certification of the “Decision granting in part Prosecution’s motions for judicial notice of adjudicated facts pursuant to Rule 94(B)”, issued by Trial Chamber II on 1 April 2010 (“Decision”);

NOTING the Prosecution’s submission that good cause “is demonstrated by the complexity and size of the issues involved in the Decision, and the fact that the Decision was issued late in the day immediately preceding the Easter recess”;¹

NOTING the Prosecution’s submissions that the Decision “is complex, detailed and decides lengthy and important Motions submitted by all the parties [...] over a period of 26 months” and that in order to “assess the ramifications and effect of the Decision the Prosecution must be provided with time to analyse the Decision, consider its position, and if necessary, to seek certification to appeal”, which “could not be accomplished within the prescribed seven days because of the intervening Easter break”;²

CONSIDERING that it is appropriate to decide the Motion even though neither the Defence of Mićo Stanišić nor the Defence of Stojan Župljanin has responded to the Motion;

CONSIDERING that the Prosecution’s submissions concerning the two-day Easter recess and the fact that the Decision was issued on the day before this recess do not amount to good cause within the meaning of Rule 127;

CONSIDERING that the Prosecution has not brought any other arguments that would be sufficient to establish good cause pursuant to Rule 127;

¹ Motion, para. 2.

² Motion, para. 10.

PURSUANT TO Rule 127(A)(i) of the Rules;

DENY the Motion.

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



Judge Fausto Pocar
Duty Judge

Dated this seventh day of April 2010

At The Hague

The Netherlands

[Seal of the Tribunal]