



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-98-29/1-A
Date: 11 August 2008
Original: English

BEFORE THE DUTY JUDGE

Before: Judge Tsvetana Kamenova, Duty Judge
Registrar: Mr. Hans Holthuis
Decision of: 11 August 2008

PROSECUTOR

v.

DRAGOMIR MILOŠEVIĆ

PUBLIC

**DECISION ON DEFENCE MOTION FOR EXTENSION OF
TIME TO FILE APPELLATE BRIEF AND TO INCREASE THE
WORD LIMIT**

The Office of the Prosecutor:

Mr. Paul Rogers

Counsel for the Appellant:

Mr. Branislav Tapušković
Ms. Branislava Isailović

I, **Tsvetana Kamenova**, 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 (“International Tribunal”), acting in my current capacity as Duty Judge;

NOTING the Judgement rendered by Trial Chamber III in the present case on 12 December 2007 (“Trial Judgement”);¹

NOTING the “Order Appointing the Pre-Appeal Judge” issued by the President of the International Tribunal on 13 February 2008;²

BEING SEIZED OF the “*Requête aux Fins de Proroger le Délai de Dépôt du Mémoire de l’Appelant par la Défence*” (“First Motion”), filed in the original French on behalf of Dragomir Milošević (“Applicant”) on 7 August 2008,³ in which the Applicant requests an extension of time until 13 September 2008 to file his appellate brief,⁴ and the “*Requête aux Fins d’Obtenir l’Autorisation d’Outrepasser la Limite de Longueur du Mémoire de l’Appelant*”, filed on behalf of the Applicant on 7 August 2008 (“Second Motion”), in which the Applicant requests an increase of 10,000 words to the word limit for his appellate brief;⁵

NOTING that, pursuant to Rule 111(A) of the Rules of Procedure and Evidence of the International Tribunal (“Rules”), an appellant’s brief shall be filed within 75 days of filing the notice of appeal;

NOTING the decision of the Presiding and Pre-Appeal Judge in the present case on 20 February 2008, in which the Appellant was granted an extension of time to file his appellate brief, being within 15 days of receipt of the official BCS translation of the Trial Judgement;⁶

NOTING that the Appellant received the official BCS translation of the Trial Judgement on 30 July 2008;⁷

¹ *Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/1-T, Judgement, 12 December 2007.

² *Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/1-A, Order Appointing a Pre-Appeal Judge, 13 February 2008.

³ English translation filed on 8 August 2008.

⁴ First Motion, p. 3.

⁵ Second Motion, para. 7.

⁶ *Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/1-A, Decision on Defence Request to Extend the Deadline to File the Appellant’s Brief and the Respondent’s Brief, 20 February 2008, p. 3–4.

⁷ First Motion, para. 7.

CONSIDERING that this case has been assigned to a bench of the Appeals Chamber but that the International Tribunal is currently in court recess and the Appeals Chamber remains unavailable until the end thereof;

CONSIDERING that the current time limit for filing the appellate brief will expire on 14 August 2008, *i.e.* before the end of the court recess, and that the matter is therefore one of urgency;

FINDING therefore that I am competent to decide on the First Motion and the Second Motion;

NOTING that the Applicant submits in the First Motion that the Applicant cannot read the Trial Judgement quickly, owing to his poor eyesight, and that the Applicant cannot instruct his counsel until he has read and analysed the Trial Judgement;⁸

NOTING that the Applicant submits that an extension of time until 13 September 2008 to file the appellate brief would be in the interests of the proper administration of justice and respect for the rights of the Applicant;⁹

NOTING the Prosecution's submission that the Applicant has not substantiated his claimed disability with medical documentation;¹⁰

NOTING that the Applicant was denied an extension of time to file his appellant brief during the Status Conference on 29 April 2008;¹¹

CONSIDERING that the First Motion does not raise any additional considerations which should disturb the oral decision of the Presiding and Pre-Appeal Judge at the Status Conference of 29 April 2008;¹²

CONSIDERING that the International Tribunal's deadlines for the filing of briefs pursuant to Rule 111(A) are essential to ensure the expeditious preparation of the case;

CONSIDERING that in light of the filing of the First Motion, there is no need to address the separate filing of Dragomir Milošević in his personal capacity of 31 July 2008;

⁸ First Motion, para. 7-8.

⁹ First Motion, para. 10.

¹⁰ Prosecution Response to Motion for Extension of Time, 7 August 2008, para. 2.

¹¹ Status Conference, 29 April 2008, T. 4-8. *See also* First Motion, para 6.

¹² Status Conference, 29 April 2008, T. 4-8.

NOTING that in the Second Motion the Applicant submits that French is one of the official languages of the International Tribunal, and that the use of the French language for the appellate brief will require more words than English to convey the same information;¹³

NOTING that the Applicant submits that an increase of 10,000 words to the word limit for his appellate brief would be in the interests of the proper administration of justice and would avoid any prejudice arising from his use of the French language;¹⁴

NOTING that according to the Practice Direction on the Length of Briefs and Motions, an appellate brief shall not exceed 30,000 words and that a party seeking authorisation to exceed this limit must do so in advance and “provide an explanation of the exceptional circumstances that necessitate the oversized filing”;¹⁵

CONSIDERING that the International Tribunal’s word limits for appellate briefs are necessary to ensure the fair and expeditious conduct of the appeal, and that the Applicant has not demonstrated exceptional circumstances justifying a derogation from these limits;

FOR THE FOREGOING REASONS

HEREBY DENY the First Motion,

HEREBY DENY the Second Motion.

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



Judge Tsvetana Kamenova
Duty Judge

Dated this eleventh day of August 2008
At The Hague
The Netherlands

[Seal of the Tribunal]

¹³ Second Motion, paras. 2–6.

¹⁴ Second Motion, paras. 6–7.

¹⁵ Practice Direction on the Length of Briefs and Motions, 16 September 2005, Section (C) 1 of IT/184 Rev. 2, paras. 1, 7.