

**UNITED
NATIONS**

IT-95-13/1-R.1

D360-D358

23 July 2010

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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-95-13/1-R.1

Date: 23 July 2010

Original: English

BEFORE THE APPEALS CHAMBER

Before: **Judge Theodor Meron, Presiding**
 Judge Mehmet Güney
 Judge Fausto Pocar
 Judge Liu Daqun
 Judge Andrésia Vaz

Registrar: **Mr. John Hocking**

Order of: **23 July 2010**

PROSECUTOR

v.

VESELIN ŠLJIVANČANIN

PUBLIC

**ORDER REGARDING
PROSECUTION'S MOTION FOR EXTENSION OF TIME**

The Office of the Prosecutor:

Ms. Helen Brady
Mr. Paul Rogers

Counsel for Veselin Šljivančanin:

Mr. Novak Lukić
Mr. Stéphane Bourgon

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 (“Appeals Chamber” and “Tribunal”, respectively);

RECALLING the “Decision with Respect to Veselin Šljivančanin’s Application for Review” (“Review Decision”) filed on 14 July 2010, in which the Appeals Chamber granted Veselin Šljivančanin’s (“Šljivančanin”) request for a review hearing (“Review Hearing”) with respect to his conviction on appeal for aiding and abetting murder as a violation of the laws or customs of war,¹ and directed the parties to submit, by 30 July 2010, “a list of evidence and witnesses, if any, each propose[d] to introduce at the Review Hearing”;²

BEING SEISED of the “Motion for Extension of Time” filed confidentially by the Office of the Prosecutor (“Prosecution”) on 20 July 2010 (“Motion”), which requests an extension of time until 10 September 2010 to file the Prosecution’s list of witnesses and evidence pursuant to the Review Decision;³

NOTING the Prosecution’s assertion that it requires additional time to identify and interview certain witnesses who may be able to provide relevant rebuttal evidence, but who need to be located and interviewed, as well as to receive responses from requests for cooperation submitted to the Serbian and Croatian governments;⁴

NOTING the “Response to Prosecution Motion for Extension of Time” filed confidentially by Šljivančanin on 22 July 2010 (“Response”), which maintains, *inter alia*, that the Prosecution has not shown good cause justifying an extension of time, and that the Motion is not precise with respect to the evidence the Prosecution hopes to obtain;⁵

NOTING FURTHER Šljivančanin’s request that if the Motion is granted: (i) he also be granted an extension of time until 10 Sepember 2010 to file a list of witnesses and evidence pursuant to the Review Decision; (ii) the Prosecution be ordered to provide him with rebuttal evidence already in its possession by 30 July 2010; and (iii) the Prosecution - in order to justify the extension of time - be ordered to provide additional details concerning the nature of the additional rebuttal evidence it seeks;⁶

¹ See Review Decision, pp. 3-4. See also *Prosecutor v. Mile Mrkšić and Veselin Šljivančanin*, Case No. IT-95-13/1-A, Judgement, 5 May 2009, para. 103, pp. 169-170. Judges Pocar and Vaz dissented on entering the new conviction.

² Review Decision, p. 4.

³ Motion, para. 4.

⁴ *Id.*, para. 3.

⁵ Response, paras 10-14.

⁶ *Id.*, paras 16-17.

CONSIDERING that it was not until 14 July 2010 that the parties were informed that a Review Hearing will be held at which the parties will be allowed to present supporting and rebuttal evidence;⁷

CONSIDERING the importance of allowing the parties sufficient time to collect and examine evidence and witnesses relevant to the Review Hearing;

CONSIDERING that, with respect to the Motion, fairness dictates that any extension of time granted to the Prosecution be granted to Šljivančanin as well;

CONSIDERING that a single deadline for submission of lists outlining evidence and witnesses serves the interests of fairness and logistical simplicity;

EMPHASISING that the present order in no way expresses the Appeals Chamber's views with regards to the outcome of the Review Hearing;⁸

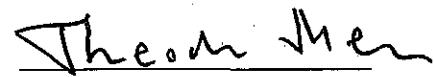
FOR THE FOREGOING REASONS,

GRANTS the Motion; and

ORDERS the parties to submit in writing, no later than 10 September 2010, a list of evidence and witnesses, if any, each proposes to introduce at the Review Hearing.

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

Dated this 23rd day of July 2010,
At The Hague,
The Netherlands.



Judge Theodor Meron
Presiding Judge

[Seal of the Tribunal]

⁷ Review Decision, p. 4.

⁸ The Appeals Chamber notes that this order has been issued without awaiting a reply from the Prosecution in view of the lack of prejudice to it and the urgency of providing clarity to the parties with respect to the deadlines they face.