



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-T
Date: 30 August 2012
Original: ENGLISH
French

IN TRIAL CHAMBER III

Before: Judge Jean-Claude Antonetti, Presiding
Judge Árpád Prandler
Judge Stefan Trechsel
Reserve Judge Antoine Kesia-Mbe Mindua

Registrar: Mr John Hocking

Decision of: 30 August 2012

THE PROSECUTOR

v.

**Jadranko PRLIĆ
Bruno STOJIĆ
Slobodan PRALJAK
Milivoj PETKOVIĆ
Valentin ČORIĆ
Berislav PUŠIĆ**

PUBLIC

**DECISION ON ACCUSED PRALJAK'S MOTION FOR EXTENSION OF
TIME TO FILE MOTION FOR REVIEW OF REGISTRAR'S DECISION OF
22 AUGUST 2012**

The Office of the Prosecutor:

Mr Douglas Stringer

Counsel for the Accused:

Mr Michael Karnavas and Ms Suzana Tomanović for Jadranko Prlić
Ms Senka Nožica and Mr Karim A. A. Khan for Bruno Stojić
Ms Nika Pinter and Ms Natacha Fauveau-Ivanović for Slobodan Praljak
Ms Vesna Alaburić and Mr Zoran Ivanišević for Milivoj Petković
Ms Dijana Tomašegović-Tomić and Mr Dražen Plavec for Valentin Čorić
Mr Fahrudin Ibrišimović and Mr Roger Sahota for Berislav Pušić

TRIAL CHAMBER III (“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”),

SEIZED of “Slobodan Praljak’s Motion for an Extension of Time to File a Motion for Review of the Registrar’s Decision” filed as a public document with two confidential annexes by Counsel for the Accused Slobodan Praljak (“Accused Praljak” and “Praljak Defence”) on 27 August 2012 (“Motion”),

NOTING the Decision of 22 August 2012 rendered as a public document by the Registrar of the Tribunal (“Registrar”), to which one confidential and *ex parte* annex and one public annex are attached (“Decision of 22 August 2012”), in which the Registrar decides, notably: that the Accused Praljak is entirely able to remunerate his counsel in full and that he is ineligible for the assignment of Tribunal-paid counsel;¹ that the Accused Praljak must bear the entirety of the costs of his defence, including all funds previously expended by the Tribunal, namely 3,293,347.49 euros;² that the Accused must reimburse the Tribunal in this amount within 90 days of the date upon which he is notified of the Registrar’s Decision of 22 August 2012³ and that it is appropriate to stay the said decision until the deadline of 15 days in which to appeal has expired or, if the Accused decides to lodge an appeal, until the Chamber has determined the said appeal or delivered a judgement in the *Prlić et al.* case, whichever comes first,⁴

CONSIDERING that the Praljak Defence requests, on the one hand, that the Chamber count the deadline for lodging an appeal against the Decision of 22 August 2012 from the date on which the Accused Praljak receives the BCS translation of the said decision and the corresponding annexes⁵ and, on the other, that it extend the deadline for appeal by 60 days, thereby granting the Accused Praljak a deadline of 75 days in total,⁶

¹ Decision of 22 August 2012, p. 6.

² Decision of 22 August 2012, p. 6.

³ Decision of 22 August 2012, p. 7.

⁴ Decision of 22 August 2012, p. 7.

⁵ Motion, paras 6 and 11.

⁶ Motion, paras 9 and 11.

CONSIDERING that the Praljak Defence argues that the Registry of the Tribunal (“Registry”) anticipated that the translation of the Decision of 22 August 2012 would be completed on 19 September 2012⁷ and that the Registry informed the Praljak Defence that it did not object to the request of the Praljak Defence to have the deadline to lodge an appeal commence from the date on which the Accused Praljak received the translation,⁸

CONSIDERING that the Praljak Defence submits that the nature of the information contained in the Decision of 22 August 2012 is such that the Accused Praljak should have access to it in a language he understands so that he may properly prepare his Defence,⁹

CONSIDERING that the Praljak Defence submits, furthermore, that the complex nature of the investigation that served as a ground for the Decision of 22 August 2012 involved several countries and lasted eight years; that, consequently, a remedy against this decision would also require an extensive investigation by the Accused Praljak, which justifies extending the deadline to lodge an appeal,¹⁰

CONSIDERING that the Praljak Defence argues notably that the Decision of 22 August 2012 is of exceptional importance to the Accused Praljak’s fundamental right to a defence and to a fair trial,¹¹

CONSIDERING that the Chamber deems that the Decision of 22 August 2012 could, effectively, have a serious impact on the Accused Praljak’s right to a defence, notably because of the sum that the Accused Praljak is now due to reimburse to the Tribunal and because this payment must be made within 90 days,

CONSIDERING that the Chamber deems, furthermore, that the complexity of the investigation that served as a ground for the Decision of 22 August 2012, which was acknowledged by the Registrar,¹² is sufficiently important,

⁷ Motion, para 4 and Annex 1 to the Motion.

⁸ Motion, para 5 and Annex 2 to the Motion.

⁹ Motion, paras 6 and 7.

¹⁰ Motion, paras 8 and 9.

¹¹ Motion, para. 10.

¹² Decision of 22 August 2012, p. 3.

CONSIDERING that the Chamber deems that these circumstances justify the need for the Accused Praljak to have the Decision of 22 August 2012 and its annexes available in a language that he understands, and an extension of the time to file a motion for review of the said decision, to commence from the date of receipt of its translation into BCS,

FOR THE FOREGOING REASONS,

PURSUANT TO Articles 20 and 21 of the Statute of the Tribunal, Rule 45 of the Rules of Procedure and Evidence, and Article 13 (B) of the Directive on Assignment of Defence Counsel,

GRANTS the Motion,

ORDERS that the deadline to file a motion for review of the Decision of 22 August 2012 commence on the date the BCS translation of the said decision and its corresponding annexes are transmitted to the Accused Praljak,

AND,

ORDERS that the Accused Praljak have 75 days available from that date for filing a motion for review of the Registrar's Decision of 22 August 2012.

