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UNITED NATIONS

	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-05-88/2-A
		Date:	17 June 2013
		Original:	English

IN THE APPEALS CHAMBER

Before: **Judge Theodor Meron, Pre-Appeal Judge**

Registrar: **Mr. John Hocking**

Decision of: **17 June 2013**

PROSECUTOR

v.

ZDRAVKO TOLIMIR

PUBLIC

DECISION ON TOLIMIR'S REQUEST FOR EXTENSION OF TIME FOR FILING AN APPELLANT'S BRIEF

The Office of the Prosecutor:

Mr. Serge Brammertz
Mr. Paul Rogers

The Accused:

Mr. Zdravko Tolimir

I, THEODOR MERON, Judge 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]

RECALLING the "Decision on Motion for Setting a Time Limit for Filing an Appellant's Brief and for an Extension of Word Limit" issued by me on 17 May 2013 ("Decision of 17 May 2013") allowing, *inter alia*, Zdravko Tolimir ("Tolimir") to file an appeal brief no later than 21 June 2013;

BEING SEISED OF the "Request for an Extension of Time Limit for Filing an Appellant Brief", filed by Tolimir on 13 June 2013[2] ("Motion"), by which Tolimir seeks an extension of time of seven days, up to and including 28 June 2013, for the filing of his appeal brief;[3]

NOTING the "Prosecution's Response to Tolimir's Request for an Extension of Time Limit for Filing an Appellant Brief" filed by the Office of the Prosecutor of the Tribunal ("Prosecution") on 13 June 2013 ("Response"), in which the Prosecution does not oppose the Motion, but for reasons given in its response to Tolimir's previous request for an extension of time,[4] requests an equivalent extension of time for the filing of the Prosecution response brief;[5]

NOTING Tolimir's submission that good cause exists for granting the Motion in light of, *inter alia*, (i) the recent obligation of his legal advisor to file an urgent interlocutory appeal on his behalf, the novelty of the legal issue raised in that appeal, and the impact of this work on his legal advisor's ability to complete the appeal brief within the prescribed time-limit;[6] (ii) the delay in the availability of the Trial Judgement[7] in a language that he understands until 6 June 2013, the resulting disruption to his legal team's working schedule, and the presence of only one legal advisor and one other team member to incorporate his comments into the appeal brief;[8] and (iii) his wish to discontinue certain

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[1] Order Designating a Pre-Appeal Judge, 27 December 2012

[2] I further note that Tolimir refiled the motion on 14 June 2013 with a corrected cover page and his signature, *see* Request for an Extension of Time Limit for Filing an Appellant Brief, with a corrected cover page and Tolimir's signature, filed by Tolimir on 14 June 2013.

[3] Motion, para 11.

[4] Response, para 1, n 2, referring to Prosecution's Response to Tolimir's Motion for Setting a Time Limit for Filing Appellant's Brief and for an Extension of Word Limits, 10 May 2013, para 11

[5] Response, para 1 *See also* Decision of 17 May 2013, p 4

[6] Motion, paras 3-5 In particular, it is submitted that, following a decision rendered by the Trial Chamber in *Prosecutor v Radovan Karadžić*, Case No. IT-95-5/18-T ("*Karadžić*") on 4 June 2013 granting certification to appeal, his legal advisor was required to urgently file an interlocutory appeal in relation a decision to subpoena Tolimir for testimony in the *Karadžić* case (Motion, para. 4, referring to *Prosecutor v Radovan Karadžić*, Case No IT-95-5/18-T, Decision on Tolimir Request for Certification to Appeal Subpoena Decision, 4 June 2013)

[7] *Prosecutor v. Zdravko Tolimir*, Case No IT-05-88/2-T, Judgement, 12 December 2012 (public with confidential Annex C) ("Trial Judgement")

[8] Motion, paras 6-7. In this respect, Tolimir submits that the translation of the Trial Judgement was expected to be filed at the end of May 2013 (Motion, para 6, referring to Decision, p 2)

grounds of appeal and to amend his notice of appeal in order to remain within the prescribed word-limit and in light of the translation of the Trial Judgement; [9]

NOTING that, pursuant to Rules 127(A)(i) and 127(B) of the Rules of Procedure and Evidence of the Tribunal ("Rules"), the Pre-Appeal Judge may, on good cause being shown, enlarge the time limits prescribed by or under the Rules;

RECALLING further that a Chamber must ensure that the proceedings before it are fair and expeditious pursuant to Article 20(1) of the Statute of the Tribunal;

FINDING that the arguments advanced by Tolimir constitute good cause for granting Tolimir the requested seven day extension beyond the deadline set in the Decision of 17 May 2013;

FINDING that in the circumstances it is in the interests of justice to grant the Prosecution an equivalent extension;

PURSUANT to Rules 111, 112, 113, and 127 of the Rules;

HEREBY GRANT the Motion and **VARY** the deadlines set in my Decision of 17 May 2013 as follows:

(1) Tolimir may file an appeal brief no later than 28 June 2013;

(2) The Prosecution may file a response brief no later than 2 September 2013;

(3) Tolimir may file a reply brief, if any, no later than 20 September 2013.

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

Done this 17th day of June 2013,
At The Hague,
The Netherlands.

Judge Theodor Meron
Pre-Appeal Judge

[Seal of the Tribunal]

[9] Motion, para. 9