UNITED NATIONS

Mechanism for International Criminal Tribunals

Case No.: MICT-13-55-A

Date: 21 April 2016

Original: English

BEFORE THE APPEALS CHAMBER

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

Registrar: **Mr. John Hocking**

Decision of: **21 April 2016**

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

DECISION ON MOTION FOR EXTENSION OF TIME TO FILE NOTICE OF APPEAL

The Office of the Prosecutor:

Mr. Serge Brammertz
Ms. Laurel Baig
Ms. Barbara Goy
Ms. Katrina Gustafson

Counsel for Mr. Radovan Karadžić:

Mr. Peter Robinson

I, THEODOR MERON, Judge of the Appeals Chamber of the International Residual Mechanism for Criminal Tribunals ("Appeals Chamber" and "Mechanism", respectively) and Pre-Appeal Judge in this case;[1]

NOTING the judgement issued in this case by the Trial Chamber of the International Criminal Tribunal for the former Yugoslavia ("Trial Chamber" and "ICTY", respectively), on 24 March 2016 ("Trial Judgement");[2]

BEING SEISED OF the "Motion for Extension of Time to File Notice of Appeal", filed on 4 April 2016 in which Mr. Radovan Karadžić requests an extension from 30 to 180 days to file his notice of appeal against the Trial Judgement;[3]

NOTING the Prosecution response filed on 5 April 2016, in which the Prosecution agrees that "a reasonable extension of time" for the filing of notices of appeal is warranted but argues that the requested extension is excessive and contends that, if an extension is granted, it should be applied to both parties "to set the stage for a synchronised timetable for all appellate briefing";[4]

CONSIDERING that, pursuant to Rule 133 of the Rules of Procedure and Evidence of the Mechanism ("Rules"), parties seeking to appeal a trial judgement are to file a notice of appeal no later than 30 days from the date on which the written judgement was filed;

RECALLING that, pursuant to Rule 154 of the Rules, the time limits prescribed in the Rules may be enlarged on good cause being shown;

NOTING Karadžić's submission that good cause exists for granting the requested extension in light of, *inter alia*, the extraordinary breadth and complexity of the proceedings and the Trial Judgement and that adequate time for the preparation of his notice of appeal is essential to ensure that the appellate process is fair;[5]

NOTING the Prosecution submission that the length and complexity of the Trial Judgment and the size of the record warrant a reasonable extension of time for the filing of notices of appeal;[6]

CONSIDERING the length of the Trial Judgement and the significant complexity of this case;[7]

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[1] Order Assigning Judges to a Case Before the Appeals Chamber, 20 April 2016; Order Assigning a Pre-Appeal Judge, 21 April 2016.
[2] *Prosecutor v. Radovan Karadžić*, Case No. IT-95-5/18-T, Public Redacted Version of Judgement issued on 24 March 2016, 24 March 2016.
[3] Motion for Extension of Time to File Notice of Appeal, 4 April 2016 ("Motion"), paras. 4, 15.
[4] Response to Defence Motion for Extension of Time to File Notice of Appeal, 5 April 2016 ("Response"), paras. 1-4.
[5] Motion, paras. 2-15.
[6] Response, para. 1.

CONSIDERING FURTHER that it is in the interests of justice to ensure that parties have sufficient time to prepare meaningful notices of appeal in full conformity with the applicable provisions;

FINDING, therefore, that good cause exists for granting an extension of the time provided for in Rule 133 of the Rules in which any notices of appeal from the Trial Judgement must be filed;

CONSIDERING the need to weigh carefully the interests in safeguarding expeditious proceedings before the Mechanism and allowing sufficient time for the parties to prepare their respective cases;

NOTING that Karadžić is being assisted in the appeal proceedings by Mr. Peter Robinson who was his legal advisor at trial and that, therefore, there is continuity in his legal representation;

CONSIDERING that the reasons justifying an extension to file Karadžić's notice of appeal also apply to the Prosecution and that a synchronised schedule for filing any notices of appeal in this case will assist the effective case management and is, therefore, in the interests of justice;

FINDING that granting the parties an extension of 60 days beyond the time provided for in Rule 133 of the Rules is justified in the circumstances of this case;

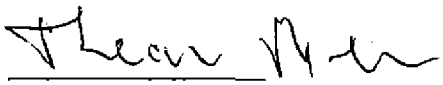
HEREBY GRANT the Motion in part;

ORDER that any notices of appeal in this case be filed within 90 days of the issuance of the Trial Judgement and, therefore, no later than Wednesday, 22 June 2016;

DISMISS the remainder of the Motion.

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

Done this 21st day of April 2016,
At The Hague,
The Netherlands



Judge Theodor Meron
Pre-Appeal Judge

[Seal of the Mechanism]

[7] *See* Trial Judgement, para. 6 ("The prodigious amount of evidence in this case included the testimony of 434 witnesses who appeared before the Chamber, the evidence in writing of 152 other witnesses and a total of 11,469 exhibits representing 191,040 pages. A total of 48,121 transcript pages recorded the daily proceedings and 94,917 pages of filings were submitted to the Chamber. The scope of the Indictment and the high profile of the Accused conjointly contributed to the unprecedented nature of this case."). In addition, the Trial Judgement is 2,607 pages long, including annexes.