

**UNITED
NATIONS**

Mechanism for International Criminal Tribunals

Case No.: MICT-13-55-A

Date: 9 January 2017

Original: English

IN THE APPEALS CHAMBER**Before:****Judge Theodor Meron, Presiding Judge
Judge William Husscin Skule
Judge Vagn Prüsse Joensen
Judge José Ricardo de Prada Solaesa
Judge Graciela Susana Gatti Santana****Registrar:****Mr. Olufemi Elias****Decision of:****9 January 2017****PROSECUTOR****v.****RADOVAN KARADŽIĆ*****PUBLIC***

**DECISION ON THE RENEWED PROSECUTION MOTION
FOR AN EXTENSION OF TIME TO FILE THE RESPONSE BRIEFS**

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
Ms. Kate Gibson

THE APPEALS CHAMBER of the International Residual Mechanism for Criminal Tribunals (“Appeals Chamber” and “Mechanism”, respectively);¹

NOTING the judgement issued in this case by the Trial Chamber of the International Criminal Tribunal for the former Yugoslavia (“ICTY”) on 24 March 2016;²

NOTING the notices of appeal filed by Mr. Radovan Karadžić (“Karadžić”) and the Prosecutor of the Mechanism (“Prosecution”) on 22 July 2016;³

NOTING the “Decision on a Joint Motion for Extension of Time to File Appeal and Response Briefs”, issued on 9 August 2016 (“Decision of 9 August 2016”), in which the Appeals Chamber granted an extension of 60 days for filing the appeal briefs and an extension of 45 days for filing the response briefs beyond the time provided for in Rules 138 and 139 of the Rules of Procedure and Evidence of the Mechanism (“Rules”);⁴

NOTING the “Decision on a Motion for an Extension of a Word Limit” issued on 8 September 2016 (“Decision of 8 September 2016”), granting Karadžić’s request for an extension of the word limit for his appeal brief from 30,000 to 75,000 words and authorizing the Prosecution to have an equivalent extension of the word limit for its response brief;⁵

NOTING the “Decision on the Prosecution’s Motion for an Extension of Time to File the Response Briefs” issued on 15 September 2016 (“Decision of 15 September 2016”), dismissing without prejudice the Prosecution’s request for a further extension of 45 days for the parties to file their response briefs;⁶

NOTING the appeal briefs filed confidentially by Karadžić and the Prosecution on 5 December 2016;⁷

BEING SEISED OF the “Prosecution’s Renewed Motion for Extension of Time to File Response Briefs”, filed on 13 December 2016 (“Motion”) in which the Prosecution requests a further extension of 45 days for the parties to file their response briefs;⁸

¹ Order Assigning Judges to a Case Before the Appeals Chamber, 20 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 Radovan Karadžić’s Notice of Appeal, 22 July 2016 (public with a confidential annex); Prosecution’s Notice of Appeal, 22 July 2016.

⁴ Decision of 9 August 2016, pp. 2, 3.

⁵ Decision of 8 September 2016, pp. 2, 3.

⁶ Decision of 15 September 2016, pp. 1, 2.

⁷ Radovan Karadžić’s Appeal Brief, 5 December 2016 (confidential); Prosecution Appeal Brief, 5 December 2016 (confidential).

NOTING Karadžić's response filed on 14 December 2016, in which he supports the Motion;⁹ **F48.1.3**

NOTING the Prosecution's submission that good cause exists for granting the requested extension of time given that the greatly expanded length of the nearly 70,000-word appeal brief filed by Karadžić has resulted in a more detailed and complex appeal including novel legal issues and spanning more than 200 pages of argument, over 1,100 footnotes and 204 pages of Annexes and, hence, the Prosecution requires more time to assess and analyse such arguments, review the cited authorities and sources as well as the lengthy procedural and evidentiary record of this case and draft a meaningful response brief;¹⁰

NOTING the Prosecution's submission that the requested extension of time would facilitate its effort to plan and allocate its resources to the various cases it is dealing with, which include a case pending before the ICTY;¹¹

NOTING FURTHER the Prosecution's submissions that the requested extension would not have a significant impact on the briefing and hearing preparation schedule and that a synchronised briefing schedule should be maintained;¹²

RECALLING that, pursuant to Rule 139(A) of the Rules, a respondent's brief must be filed within 40 days of the filing of the appellant's brief and that, pursuant to Rule 154(A) of the Rules, the time limits prescribed in the Rules may be enlarged on good cause being shown;

RECALLING FURTHER that the parties have already been granted a 45-day extension to file their response briefs in light of the voluminous trial record and the Trial Judgement and the significant complexity of this case;¹³

CONSIDERING that it is the Prosecution's responsibility to manage its resources to prosecute its cases in a timely manner;¹⁴

⁸ Motion, paras. 1, 9, 11.

⁹ Response to Prosecution's Motion for Extension of Time to File Response Briefs, 14 December 2016, para. 1.

¹⁰ Motion, paras. 1-7.

¹¹ Motion, para. 8.

¹² Motion, paras. 9, 10.

¹³ Decision of 9 August 2016, pp. 2, 3.

¹⁴ Articles 14(1) and 19(4)(c) of the Statute of the Mechanism; Prosecutor's Regulation No 1 (2013) Standards of Professional Conduct of Prosecution Counsel (MICT/12), 29 November 2013, para. 2(d) ("to exercise the highest standards of integrity and care, including the obligation always to act expeditiously when required and in good faith"). See also *The Prosecutor v. Pauline Nyiramasuhuko et al.*, Case No. ICTR-98-42-A, Judgement, 14 December 2015, para. 366 ("the conduct of the parties [...] [is a] relevant [factor] to take into account in determining whether an accused's fundamental right to a trial without undue delay has been infringed").

CONSIDERING the considerable extension of time that has already been granted to the parties ^{F48.1.3} with respect to filing their response briefs and the need to ensure expeditious proceedings before the Mechanism;

CONSIDERING, however, the expanded length of Karadžić's appeal brief and the need to allow the parties adequate time to prepare their cases;

FINDING that good cause exists for granting a further limited extension of time for filing the Prosecution response brief and that, in the circumstances of this case, granting a further extension of 15 days for filing the Prosecution response brief is justified;

CONSIDERING that it is in the interests of justice and effective case management to maintain a synchronised briefing schedule;¹⁵

PURSUANT TO Rules 55, 131, and 154(A) of the Rules,

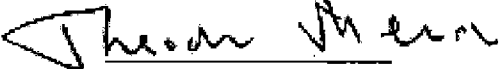
HEREBY

GRANTS the Motion in part;

INSTRUCTS the parties to file their respective response briefs no later than Wednesday, 15 March 2017.

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

Done this 9th day of January 2017,
At The Hague,
The Netherlands


Judge Theodor Meron
Presiding Judge

[Seal of the Mechanism]

¹⁵ Decision on a Motion for a Further Extension of Time to File a Notice of Appeal, p. 4; Decision on Motion for Extension of Time to File Notice of Appeal, p. 2.