



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-94-1-A-AR77
Date: 14 December 2000
Original: English
French

THE APPEALS CHAMBER OF THE INTERNATIONAL TRIBUNAL

Before: President Claude Jorda
Judge Mohamed Bennouna
Judge Patricia Wald
Judge Fausto Pocar
Judge Liu Daqun

Registrar: Mrs. Dorothee de Sampayo Garrido-Nijgh

Decision of: 14 December 2000

THE PROSECUTOR

v.

DUŠKO TADIĆ

**DECISION ON FURTHER MOTION
TO EXTEND TIME-LIMIT**

Counsel for Appellant:
Mr. Vladimir Domazet for Milan Vujan

The Office of the Prosecutor:
Mr. Upawansa Yapa

Other Parties:
Mr. Anthony Abell

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 (hereinafter “the International Tribunal”),

NOTING the Further Motion by the interested party, Duško Tadić, to vary (by extension) the time-limit prescribed for a response to the appellant’s brief filed by Counsel for the interested party, Duško Tadić, (hereinafter “the Interested Party”) in English on 1 December 2000 (hereinafter “the Further Motion”),

NOTING the Decision on the Application for leave to appeal rendered on 27 October 2000,

NOTING the Appellant’s Brief filed in English by Counsel for Milan Vujin (hereinafter “the Appellant”) on 3 November 2000 (hereinafter “the Brief”),

NOTING the Decision on the Motion for extension of time-limit rendered on 21 November 2000 whereby the deadline for the Interested Party to file a response to the Brief was extended until 1 December 2000,

NOTING the Appellant’s Response to the Further Motion by the Interested Party, Duško Tadić, to vary (by extension) the time-limit prescribed for a response to the appellant’s Brief filed in English on 4 December 2000 in which the Appellant objects to the deadline’s being extended,

NOTING the Response by the Interested Party, Duško Tadić, to the Appellant’s Brief filed in English by Counsel for the Interested Party on 5 December 2000 (hereinafter “the Respondent’s Brief”),

PURSUANT to Rule 127 of the Rules of Procedure and Evidence (hereinafter “the Rules”) and the Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings before the International Tribunal (IT/155) (hereinafter “the Direction”),

CONSIDERING that, in accordance with Article 8 of the Directive, a Respondent’s Brief must be filed within ten days of the filing of the Brief, that is, in this case, no later than 13 November 2000,

CONSIDERING that, in the Further Motion, the Interested Party contends that good cause within the meaning of Rule 127(B) of the Rules is: (i) that he received the Brief on 6 November 2000; (ii) that the issues raised in the instance are complex; (iii) that one of Counsel's professional commitments was extended by a week thus reducing by a week the time that the said Counsel could devote to the Respondent's Brief; (iv) that the delay caused shall not exceed two working days or occasion any prejudice,

CONSIDERING that, pursuant to Rule 127(B) of the Rules, the Appeals Chamber may enlarge any time-limit prescribed by or under the Rules on good cause being shown by motion,

CONSIDERING that even if, in principle, Counsel must organise his commitments in such a way that he is able to meet deadlines, the delay caused has not exceeded two working days and has not therefore occasioned any prejudice, which constitutes good cause within the meaning of Rule 127(B) of the Rules in the light of the specific circumstances,

CONSIDERING that, in general, the Appeals Chamber need not take into account Counsel's commitments when setting deadlines and that Counsel's Further Motion for extension of the time-limit, presented due to Counsel's other commitments, constitutes an abuse of time-limit extensions which shall no longer be tolerated by the Appeals Chamber,

FOR THE FOREGOING REASONS,

CONFIRMS that the Further Motion has been allowed and that the Respondent's Brief is therefore valid,

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

Done this fourteenth day of December 2000
At The Hague
The Netherlands

(signed)

Claude Jorda
Presiding Judge of
the Appeals Chamber

[Seal of the Tribunal]