



Mechanism for International Criminal Tribunals

Case No. MICT-13-52-ES.1

Date: 10 April 2015

Original: English

THE PRESIDENT OF THE MECHANISM

Before: Judge Theodor Meron, President

Registrar: Mr. John Hocking

Decision of: 10 April 2015

PROSECUTOR

v.

MILAN LUKIĆ

PUBLIC

**DECISION ON MILAN LUKIĆ'S MOTION PURSUANT TO
RULE 154 TO ENLARGE THE TIME LIMIT FOR FILING OF
THE REPLY BRIEF**

The Office of the Prosecutor:

Mr. Hassan Bubacar Jallow
Mr. Mathias Marcussen

Counsel for Milan Lukić:

Mr. Jason Alarid
Mr. Dragan Ivetić

I, Theodor Meron, President of the International Residual Mechanism for Criminal Tribunals (“Mechanism”);

NOTING that Milan Lukić (“Lukić”) filed the “Motion for Reconsideration and Review of Sentence of Mr. Lukić in Estonia and Transfer to the [sic] Hague” on 9 March 2015 (“Reconsideration Request”);

NOTING that the Office of the Prosecutor (“Prosecution”) responded by filing the “Prosecution Response to Milan Lukić’s Motion for Reconsideration and Review of Sentence in Estonia and Transfer to the Hague” on 23 March 2015 (“Response”), and that the Prosecution subsequently filed two additional documents: the “Corrigendum to Prosecution Response to Milan Lukić’s Motion for Reconsideration and Review of Sentence in Estonia and Transfer to the Hague” on 24 March 2015 (“Corrigendum”), and the “Prosecution Request for Leave to File Supplementary Authority and Supplementary Authority” on 27 March 2015 (“Supplementary Filing”);

BEING SEISED OF the “Motion Pursuant to Rule 154 to Enlarge the Time Limit for Filing of the Reply Brief” filed by Lukić on 7 April 2015 (“Motion”), in which he requests, *inter alia*, that I grant him a seven day extension beyond what is authorized under Rule 154 of the Rules of Procedure and Evidence of the Mechanism (“Rules”) to file his reply to the Response;

NOTING that Lukić justifies his request on the basis that: (i) the Supplementary Filing was not served on him until 30 March 2015 which reduced the period in which he could compose a reply,¹ (ii) the time period for drafting a reply included the Easter holiday and, subsequently, two non-working days at the ICTY and Mechanism,² and (iii) Lukić’s lead counsel had limited availability during the full period for the original briefing due to separate professional commitments;³

NOTING that the Prosecution does not oppose the Motion;⁴

RECALLING Rule 154(A) of the Rules allows a Chamber of the Mechanism, on good cause being shown by motion, to enlarge any time prescribed by or under the Rules or to recognize as validly done any act done after the expiration of the prescribed time-limit;

NOTING that, although Rule 154(A) of the Rules refers to a Chamber of the Mechanism, its provisions apply, *mutatis mutandis*, to motions filed before the President of the Mechanism;⁵

¹ Motion, para. 4.

² Motion, para. 5.

³ Motion, para. 6.

⁴ *Prosecutor v. Milan Lukić*, Case No. MICT-13-52.ES.1, Prosecution Response to Milan Lukić’s Motion Pursuant to Rule 154 to Enlarge the Time Limit , 8 April 2015, para. 2.

CONSIDERING that Lukić's lead counsel's workload does not constitute good cause for enlarging the time limits set by the Rules;

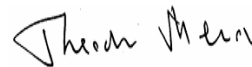
NOTING, however, that the Prosecution's Corrigendum and Supplementary Authority were filed after the Response, and that several of the days allocated for preparing a reply were official holidays;

CONSIDERING that these circumstances justify the extension requested by Lukić;

HEREBY GRANT the Motion.

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

Done this 10th day of April 2015
At The Hague,
The Netherlands.



Judge Theodor Meron
President

[Seal of the Mechanism]

⁵ *Prosecutor v. Jean Uwinkindi*, Case No. MICT-12-25, Decision on Prosecutor's Request for Extension of Time to File Response to Uwinkindi's Additional Submissions, 23 December 2013, p. 2. *Cf. Prosecutor v. Ratko Mladić*, Case No. IT-09-92-T, Decision Concerning Defence Motion to Exceed Word Count and Defence Motion Pursuant to Rule 15(B) Seeking Disqualification of Judge Christoph Flüge, 22 January 2014, p. 2 ("[A]lthough this provision of the Practice Direction on the Length of Briefs and Motions typically refers to motions filed before a chamber, the provision applies, *mutatis mutandis*, to motions filed before the President of the Tribunal").