

**THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA**

Case No. IT-08-91-A

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Presiding
Judge Carmel Agius
Judge Patrick Robinson
Judge Liu Daqun
Judge Arlette Ramaroson

Registrar: Mr John Hocking

Date Filed: 21 May 2013

THE PROSECUTOR

v.

**MICO STANISIC
STOJAN ZUPLJANIN**

PUBLIC

**ZUPLJANIN REQUEST FOR EXTENSION OF TIME
TO FILE APPEAL BRIEF**

The Office of the Prosecutor:

Ms Helen J. Brady

Counsel for the Defence:

Mr Slobodan Zecevic and Mr Stéphane Bourgon for Mico Stanisic

Mr Dragan Krgovic for Stojan Zupljanin

ZUPLJANIN REQUEST FOR EXTENSION OF TIME TO FILE APPEAL BRIEF

I INTRODUCTION

1. Stojan Zupljanin respectfully requests that the period to file its Appeal Brief be extended by 45 days.¹ Having been granted a fifteen-day extension to file the Notice of Appeal, this would bring the total time from the issuance of the judgement until filing of the appeal brief to a grand total of 167 days. The requested extension is much less than the total time granted in the *Popovic* and *Sainovic* cases (225 and 210 days, respectively). Neither of those cases, based on objective indicators, was more complex in respect of each of the accused than is this Judgement in respect of Mr Zupljanin.
2. No request is made for additional words on the basis of this request. However, should the Appeals Chamber reject this request, in the alternative Mr Zupljanin respectfully joins Mico Stanisic's request for an extension of 40 days to file its appeal brief and an enlargement of the word-limit by 10,000 words.²

II SUBMISSIONS

3. The table below sets out the extensions granted in other large cases before the Appeals Chamber, and selected objective indicators that assist in comparing the complexity of those cases and the appeals therefrom:

¹ The present request is made pursuant to Rules 107, 111, 112, 113, 127(A)(i) of the Tribunal's Rules of Procedure and Evidence ("Rules"), Sections II and III of the "Practice Direction on Formal Requirements for Appeals from Judgment (IT/201)" of 7 March 2002 and paragraph 12 of the Practice on Procedure for the Filing of Written Submissions in Appeal Proceedings Before the International Tribunal (IT/155 Rev.4), of 4 April 2012,

² *Prosecutor v. Stanisic and Zupljanin* (IT-08-91-A), Expedited Motion on Behalf of Mico Stanisic Seeking a Variation of Time and Word Limits to File Appellant's Brief, 21 May 2012, pp. 1 and 9.

Case	Judgement Length	Number of Exhibits	Transcript pages	Notice Extension	Appeal Brief Extension	Total Extension
<i>Popovic</i>	837	5,383 ³	34,915 ⁴	60 ⁵	60 ⁶	120
<i>Sainovic</i>	1,841 ⁷	4,369 ⁸	27,492 ⁹	60 ¹⁰	45 ¹¹	105
<i>Perisic</i>	586	3,794 ¹²	14,938 ¹³	30	14	44
<i>Zupljanin</i>	841	4,377	27,698	15		

4. The table illustrates that the Judgement in *Stanisic and Zupljanin*, and the trial record on which it is based, is of comparable complexity to both the *Popovic* and *Sainovic* cases,¹⁴ and is significantly more complex than the appeal proceedings in *Perisic*. The Zupljanin Defence has asserted in the Notice¹⁵ several errors of fact, as well as mixed errors of fact and law, that will require careful scrutiny of the trial record and – just as importantly – a focused presentation of that trial record to the Appeals Chamber. The size of the trial record, amongst other factors, is therefore an important indicator of complexity.
5. The Defence has also asserted errors of law that will require a full and careful review of customary international law. Extensive research is required and, when combined with the complex factual record described above, justifies an extension of time to file the appeal brief.

³ *Prosecutor v. Popovic et al.* (IT-05-88-T), Judgement, 10 June 2010, Annex 2, para. 1.

⁴ *Id.*

⁵ *Prosecutor v. Popovic et al.* (IT-05-88-A), Decision on Joint Defence Motion for Extension of Time to File Notice of Appeal, 25 June 2010, p. 2.

⁶ *Prosecutor v. Popovic et al.* (IT-05-88-A), Decision on Motions for Extension of Time and for Permission to Exceed Word Limitations, 20 October 2010 (“*Popovic* Brief Extension Decision”).

⁷ Excluding 636-page Volume III on victims.

⁸ See, http://www.icty.org/x/cases/milutinovic/cis/en/cis_sainovic_al_en.pdf, p. 4 (accessed 19 May 2013).

⁹ *Prosecutor v. Milutinovic et al.* (IT-05-87-T), T. 27492 (27 August 2008).

¹⁰ *Prosecutor v. Milutinović et al.* (IT-05-87-A), Decision on Motions for Extensions of Time to File Notices of Appeal, 23 March 2009, p. 4.

¹¹ *Prosecutor v. Sainovic et al.* (IT-05-87-A), Decision on Joint Defence Motion Seeking Extension of Time to File Appeal Briefs, 29 June 2009, pp. 4-5.

¹² *Prosecutor v. Perisic* (IT-04-81-T), Judgement, 6 September 2011, Annex A, para. 18.

¹³ *Prosecutor v. Perisic* (IT-04-81-T), T. 14,938 (31 March 2011).

¹⁴ Although the *Milutinovic et al.* Trial Judgement is almost twice the length of the *Zupljanin* Judgement, this does not imply that it was more complex in respect of any one accused.

¹⁵ *Prosecutor v. Stanisic and Zupljanin* (IT-08-91-A), Notice of Appeal on Behalf of Stojan Zupljanin, 13 May 2013 (“Notice”).

6. The Defence believes that it can make full arguments in relation to each ground of appeal set out in the Notice of Appeal within the prescribed word-limit, provided that it has sufficient time to edit and revise its submissions before they are presented to the Appeals Chamber.¹⁶ The additional forty-five days will therefore yield efficiencies in the appeal process as a whole by ensuring that the submissions are as focused as possible.
7. No request for additional time is sought on the basis that the deadlines span the summer judicial recess.
8. Mr Zupljanin is content to leave the remainder of the briefing schedule to the Appeals Chamber's discretion, but would suggest that the deadlines for the Prosecution's appeal be harmonized with those for the Defence's appeal.

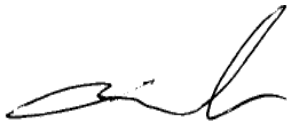
¹⁶ *Popovic* Brief Extension Decision, p. 6 ("Considering that the quality and effectiveness of an appellant brief does not depend upon length, but upon the clarity and cogency of the arguments presented and that excessively long briefs do not necessarily facilitate the efficient administration of justice"). *See, also, Prosecutor v. Naser Oric* (IT-03-68-A), Decision on Defence Motion for Extension of Word Limit for Defence Appellant's Brief, 6 October 2006, p. 3; *Prosecutor v. Sainovic et al.* (IT-05-87-A), Decision on Defence Motion for Extension of Word Limit, 8 September 2009, p. 4, and Decision on Nikola Sainovic and Dragoljub Ojdanic's Joint Motion for Extension of Word Limit, 11 September 2009, p. 4.

III RELIEF SOUGHT

9. Based on the foregoing, Zupljanin requests to be granted an extension of 45 days (over and above the time allowed for by the Rules) for the Appellant's Brief, up to and including 10 September 2013. In the alternative, Zupljanin joins Stanisic's request for an extension of 40 days and an increase of the word-limit by 10,000 words.

Respectfully submitted.

This 21st day of May 2013



Dragan Krgovic
Lead Counsel for Stojan Zupljanin

Word count: 1,003.