

THE RESIDUAL MECHANISM FOR
INTERNATIONAL CRIMINAL TRIBUNALS

CASE No. MICT-13-55

THE APPEALS CHAMBER

Before: A Bench of the Appeals Chamber

Registrar: Mr. John Hocking

Date: 4 April 2016

THE PROSECUTOR

v.

RADOVAN KARADZIC

Public

MOTION FOR EXTENSION OF TIME
TO FILE NOTICE OF APPEAL

The Office of the Prosecutor:

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

Counsel for Radovan Karadzic:

Mr. Peter Robinson

1. The ICTY Trial Judgement in the case of *Prosecutor v Radovan Karadzic*, No. IT-95-5/18-T, was filed on 24 March 2016. The judgement is 2605 pages and includes 20,834 footnotes.

2. Dr. Karadzic fully intends to appeal his conviction on 10 of the 11 counts in the Indictment and his 40-year sentence of imprisonment.

3. Rule 133 provides:

A Party seeking to appeal a judgement shall, **not more than thirty days from the date on which the written judgement was filed**, file a notice of appeal, setting forth the grounds. The appellant should also identify the order, decision, or ruling challenged with specific reference to the date of its filing, and/or the transcript page, and indicate the substance of the alleged errors and the relief sought. The Appeals Chamber may, on good cause being shown by motion, authorise a variation of the grounds of appeal. (emphasis added)

4. Dr. Karadzic hereby moves that the deadline for the filing of his notice of appeal be extended from 30 to 180 days.

5. His motion is based on the extraordinary breadth and complexity of the proceedings and judgement in his case, as well as the lack of adequate resources at his disposal to prepare a notice of appeal.

6. The breadth and complexity of the case was aptly described by Trial Chamber:

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 jointly contributed to the unprecedented nature of this case.

7. The lack of adequate resources available to Dr. Karadzic is a matter of great concern. At this time, Dr. Karadzic has only been allocated enough Legal Aid funds to employ his counsel to work on reviewing the voluminous judgement and drafting the notice of appeal. No support staff can be hired with the funds presently available. An application for additional resources was made on 29 March 2016 and is pending with the Registry.

8. Dr. Karadzic's counsel has begun the laborious process of reviewing the Trial Chamber's judgement by himself, including checking the documents cited in the footnotes when required. With 2600 pages to review, based upon his progress to date, he

estimates that this process alone will take approximately 60 working days under optimal conditions. After all of the potential findings and conclusions of the Trial Chamber that may be worthy of an appellate challenge are identified in the judgement, preliminary research has to be conducted to determine the validity and viability of each challenge. Counsel expects this would take another 30 working days.

9. In addition, the hundreds of written and oral decisions of the Trial Chamber made during the trial need to be reviewed and evaluated for potential fair trial issues to be included in the appeal, and the parts of the judgement affected by those issues identified so that it can be determined whether any errors during the trial impacted the judgement, and to link the Impugned Decisions to the paragraphs of the judgement in the notice of appeal. Counsel expects this would take another 60 working days.¹

10. Dr. Karadzic had proposed beginning this work, as the prosecution had done, before the delivery of the judgement. However, his request to assemble and fund a defence team was refused by the Registrar as “speculative”. Dr. Karadzic appealed this decision, but the President affirmed it.²

11. In the most comparable case at the ICTY, *Prlic et al*, the defence teams were granted 90 days to file their notices of appeal.³ Similar extensions were granted in the *Popovic et al*⁴ and *Sainovic et al*⁵ cases, which had shorter judgements and smaller records.

12. Each of these cases involved multiple accused where defence teams could share the burdens of reviewing the judgement and preparing the notices of appeal. That is not the case here.

13. Those cases also involved continuity of trial counsel and legal assistants on appeal. That is not the case here, where Dr. Karadzic represented himself at the trial and where, with the exception of his Legal Advisor who is now his counsel, the support staff

¹ The 150 working days for preparing the notice of appeal translates into 190 calendar days when considering weekends.

² *Decision on Motion for Review of Decision on Assignment of Counsel on Appeal* (4 February 2016)

³ *Prosecutor v Prlic et al*, No. IT-04-74-A, *Decision on Motions for an Extension of Time to file Notices of Appeal and Other Relief* (21 June 2013)

⁴ *Prosecutor v Popovic et al*, No. IT-05-88-A, *Decision on Joint Motion for Extension of Time to File Notice of Appeal* (25 June 2010)

⁵ *Prosecutor v Sainovic et al*, No. IT-05-87-A, *Decision on Extensions of Time to File Notices of Appeal* (23 March 2009)

were all Serbian-speakers dedicated to factual issues.

14. Because of these additional factors, a greater time for preparation of the notice of appeal is warranted in this case. Adequate time for the preparation of the notice of appeal is essential to ensure that the appellate process is fair and that the appellant can produce a high quality work product for the Appeals Chamber.

15. For any and all of the above reasons, it is respectfully requested that the time for filing the notice of appeal be extended from 30 to 180 days.

Word count: 1006

Respectfully submitted,

A handwritten signature in cursive script that reads "Peter Robinson". The signature is written in dark ink and is centered on the page.

PETER ROBINSON
Counsel for Radovan Karadzic