

UNITED NATIONS
MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS

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

Before: Judge Theodor Meron, President

Registrar: Mr. John Hocking

Date Filed: 7 April 2015

PROSECUTOR

v.

MILAN LUKIC

PUBLIC

**MOTION PURSUANT TO RULE 154 TO ENLARGE THE TIME LIMIT FOR FILING
OF THE REPLY BRIEF**

The Office of the Prosecutor

Mr. Hassan Bubear Jallow

Mr. Mathias Marcussen

Counsel for Milan Lukić

Mr. Jason Alarid

Mr. Dragan Ivetić

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COMES NOW The Movant, Mr. Milan Lukić, by and through his counsels of record, Mr. Jason Alarid and Mr. Dragan Ivetic, and files the instant Request for Extension/Enlargement of time, and in support thereof states as follows:

1. On 9 March 2015 Movant has filed his "Motion for Reconsideration and Review of Sentence of Mr. Lukic in Estonia and Transfer to The Hague" (hereinafter "Sentencing Reconsideration") and his concurrent "Request for Evidentiary Hearing to Review Confinement Placement of Mr. Lukic in Estonia and Transfer to The Hague for Viva Voce Appearance" that sought an evidentiary hearing on the merits of the Sentencing Reconsideration.

2. On 23 March 2015 the Prosecution filed their Response to the Sentencing Reconsideration, albeit the same was not served upon the Defense until 24 March 2015, the following day.

3. Pursuant to Rule 154 of the Rules of Procedure and Evidence of the MICT, the Movant hereby requests an enlargement/extension of time for the filing of a Reply Brief to the Prosecution Response, identified above. Under the original briefing schedule the due date of the said Reply is 7 April 2015. The Movant hereby seeks an additional 7 days, until 14 April 2015, which is reasonable, necessary, and supported by good cause, as follows.

4. First, subsequent to filing of the Prosecution Response, the Prosecution has first filed a "Corrigendum" to same on 24 March 2015 (served on the Defense 25 March 2015) and even later has filed a Request to Cite Additional Authority in support of their Response, which was filed on 27 March 2015, but only served on the Defense on 30 March 2015. Insofar as this latest filing substantially affects the corpus of the Prosecution Response that is to be addressed by the Reply, the Defense has not had the full 14 days to deal with the same as foreseen under the original briefing. Thus this short enlargement/extension is justified and would give the defense, in essence, 14 days from the date of receipt of the last Prosecution addition to their Response. As such, the short enlargement/extension being sought herein is both fair, and supported by good cause shown for the same.

5. Additionally, the time period for the original briefing of the Reply includes the Easter Holiday, which itself included 2 non-working days of Court Holiday at the ICTY (for both the past Friday and Monday). The short enlargement/extension sought is thus fair and reasonable to take into account the same.

6. Additionally, over the time period of the original briefing of the Reply, one of Movant's counsel, Dragan Ivetic, was actively engaged in ongoing trial at the ICTY, in the **Mladic** case, preparing for and presenting multiple witnesses of importance to the Defence case.

As such his time and ability to consult with lead counsel, based in the United States, was limited. This also renders the sought enlargement/extension both fair and reasonable.

7. Given the subject matter of the Sentencing Reconsideration is important to ensure the human rights of Milan Lukic are respected, he is entitled to a fair opportunity to address and rebutt the multiple arguments raised by the Prosecution in their Response. A well-reasoned Reply would assist the President in assessing the matter more so than a rushed or incomplete Reply.


8. Given the aforesaid circumstances, the sought enlargement/extension is short, and will not unfairly prejudice the Prosecution, nor will it adversely affect the schedule of the Court, as no future dates for Hearing have as of yet been set.

9. For the foregoing reasons, the Movant believes the sought enlargement/extension is in the interestes of justice, and supported by good cause, and thus should be granted.

WHEREFORE Mr. Lukić respectfully requests an extension of time, up to and including 14 April 2015 for the filing of his Reply Brief in this matter.

WORD COUNT - 634

Respectfully submitted,



Jason Alarid, *Counsel for Milan Lukić*



Dragan Ivetić, *Counsel for Milan Lukić*

Dated This 7th day of April 2015