



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-04-81-PT  
Date: 22 June 2005  
Original: English

**IN THE TRIAL CHAMBER**

**Before:** Judge Patrick Robinson, Presiding  
Judge O-Gon Kwon  
Judge Iain Bonomy

**Registrar:** Mr. Hans Holthuis

**Order of:** 22 June 2005

**PROSECUTOR**

v.

**MOMČILO PERIŠIĆ**

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**ORDER DENYING MOMČILO PERIŠIĆ'S  
MOTION TO EXTEND TIME TO FILE PRELIMINARY MOTIONS**

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**The Office of the Prosecutor**

Mr. Chester Stamp  
Mr. Karim Agha  
Mr. Frederic Ossogo

**Counsel for Momčilo Perišić**

Mr. James Castle

**THIS TRIAL 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,

**BEING SEISED** of “Momčilo Perišić’s Motion to Enlarge Time to File Preliminary Motions” filed on 2 June 2005 (“Motion”) by Momčilo Perišić (“Accused”), in which he seeks an extension of time to file a preliminary motion “challeng[ing] ... the jurisdiction of this Tribunal” on the basis that “the charges in the indictment do not state a crime for which the defendant can be prosecuted”,

**NOTING** that the Accused did not limit his request for an extension of time to a specific date or period of time,

**NOTING** the “Prosecution Response to Momčilo Perišić’s Motion to Enlarge Time to File Preliminary Motions” filed on 17 June 2005 by the Office of the Prosecution (“Prosecution”), seeking that the Motion be denied,

**NOTING** the “Order Granting Extension of Time to File Preliminary Motions” filed on 27 April 2005, in which the Accused was ordered to file preliminary motions pursuant to Rule 72 of the Rules of Procedure and Evidence of the International Tribunal (“Rules”) no later than thirty days after disclosure by the Prosecution of all material referred to in Rule 66(A)(i),

**NOTING** that the Prosecution filed a “Notice of Compliance with Rule 66(A)(i)” on 13 May 2005, and that the Accused filed his preliminary motions, along with this Motion, on 2 June 2005,

**NOTING** that, pursuant to Rule 127 of the Rules, a time limit may be varied on a showing of “good cause”,

**NOTING** that the only reason offered by the Accused for requesting additional time to file a preliminary motion challenging jurisdiction is that the “extension of this Tribunal’s jurisdiction being proposed in this indictment ... would be a significant expansion of international customary law” and “such issues need to have time to form and percolate before full briefing should be expected”,

**CONSIDERING** that an asserted need for time for arguments to “form and percolate” does not in itself constitute good cause for extending the time-limit in Rule 72 for the filing of preliminary motions,

**NOTING** that the Accused also “requests [that] the issues raised within this pleading be allowed to be briefed and argued within the time frame for all other motions under Rule 73”,

**CONSIDERING** that Rule 73 of the Rules does not apply to preliminary motions,

**PURSUANT** to Rules 72 and 127 of the Rules,

**HEREBY DENIES THE MOTION.**

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



Judge Patrick Robinson  
Presiding

Dated this <sup>22<sup>nd</sup></sup> ~~7~~ day of June 2005  
At The Hague  
The Netherlands

[Seal of the Tribunal]