



International Tribunal for the  
Prosecution of Persons  
Responsible for Serious Violations of  
International Humanitarian Law  
Committed in the Territory of  
Former Yugoslavia since 1991

Case No. IT-04-82-PT  
Date: 2 February 2006  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Albin Eser, Pre-Trial Judge

**Registrar:** Mr. Hans Holthuis

**Decision of:** 2 February 2006

**PROSECUTOR**

v.

**Ljube BOŠKOSKI  
Johan TARČULOVSKI**

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**DECISION ON DEFENCE MOTION FOR  
EXTENSION OF TIME**

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**Counsel for the Prosecutor:**

Mr. Dan Saxon  
Mr. William Smith

**Counsel for the Accused:**

Mr. Dragan Godžo and Ms. Edina Rešidović for Ljube Boškosi  
Mr. Antonio Apostolski for Johan Tarčulovski

I, **Albin Eser**, Pre-Trial Judge 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 (“Tribunal”):

**BEING SEISED OF** the “Defence Motion for Extension of Time” filed on 30 January 2006 by counsel for Ljube Bošković and the “Defence Motion for Proper Filing and Extension of Time” filed on 31 January 2006 by counsel for Johan Tarčulovski (“Defence Motions”);

**NOTING** that the Defence Motions seek a minimum of fourteen days to respond to the “Prosecution’s Motion for Admission of Written Statements in Lieu of Viva Voce Testimony Pursuant to Rule 92 *bis* and Attached Annexes A and B”, which was filed on 26 January 2006 (“Prosecution Motion”), starting from the date that Defence Counsel are in actual possession of the Prosecution Motion, including Annexes A and B;

**NOTING** the “Prosecution’s Response to the Defence’s Motion for Extension of Time”, filed on 31 January 2006, in which the Prosecution “leaves the matter in the hands of the Trial Chamber to be dealt with as it deems fit”;

**NOTING** that Rule 126 *bis* of the Tribunal’s Rules of Procedure and Evidence (“Rules”) provides, *inter alia*, that a response to a motion shall be filed within fourteen days (14) of the filing of the motion;

**NOTING** that Rule 127(A)(i) of the Rules provides that a Trial Chamber may, on good cause being shown by motion, enlarge any time prescribed by or under the Rules;

**NOTING** that counsel for Ljube Bošković received the Prosecution Motion on the day that it was filed but did not receive Annexes A and B and that counsel for Johan Tarčulovski did not receive the Prosecution Motion at all;

**NOTING** that the Defence Motions state that “until the Defence is in the physical possession of actual witness statements, the Defence cannot respond either affirmatively or otherwise to the Prosecution Motion”;

**NOTING** that the Prosecution Motion, including Annexes A and B, was expected to be delivered to both Defence Counsel on 31 January 2006 but that it is now expected to be delivered to both Defence Counsel by 5 February 2006;

**CONSIDERING** that the time period within which responses to the Prosecution Motion are to be filed should start from the date on which Defence Counsel received the Prosecution Motion in its entirety, including Annexes A and B;

**CONSIDERING FURTHER** that if by 6 February 2006 Defence Counsel are not in possession of the Prosecution Motion, including Annexes A and B, they should inform the Trial Chamber;

**PURSUANT** to Rule 127(A)(i) of the Rules;

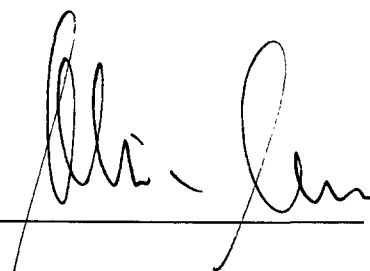
**HEREBY GRANT** the Defence Motions and **ORDER** that responses to the Prosecution Motion shall be filed by Defence Counsel by 20 February 2006.

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

Dated this second day of February 2006,

At The Hague

The Netherlands



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**Judge Albin Eser**

**Pre-Trial Judge**

**[Seal of the Tribunal]**