



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-01-45-PT  
Date: 05 May 2006  
Original: English

**IN TRIAL CHAMBER II**

**Before:** Judge Carmel Agius, Presiding  
Judge Kevin Parker  
Judge Christine Van Den Wyngaert

**Registrar:** Mr. Hans Holthuis

**Order of:** 05 May 2006

**PROSECUTOR**

v.

**ANTE GOTOVINA**

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

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**The Office of the Prosecutor:**

Mr Alan Tieger  
Ms Laurie Sartorio

**Counsel for the Defence**

Mr Luka S. Mišetić  
Mr Gregory Kehoe

**TRIAL CHAMBER II** 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 (the “Chamber” and the “Tribunal”);

**BEING SEIZED OF** “Prosecution’s Request for an Extension of Time to File Response to Defendant Ante Gotovina’s Motion to Dismiss the Proposed Joinder Indictment” filed on 03 May 2006 (“Motion”), whereby the Prosecution requests an extension of time of one week, *i.e.* until 12 May 2006, to file its response to “Defendant Ante Gotovina’s Preliminary Motion to Dismiss the Proposed Joinder Indictment pursuant to Rule 72 of the Rules of Procedure and Evidence on the Basis of (1) Defects in the Form of the Indictment (Vagueness/Lack of Adequate Notice of Charges) and (2) Lack of Subject Matter Jurisdiction (*Ratione Materiae*)” filed on 28 April 2006 (“Defence motion”);

**NOTING** that pursuant to Rule 126*bis* of the Rules of Procedure and Evidence (“Rules”) unless otherwise ordered by a Chamber, a response, if any, to a motion filed by a party shall be filed within fourteen days of the filing of the motion;

**NOTING** that the Pre-Trial Judge indicated during the Status Conference held on 7 April 2006 pursuant to Rule 65*bis* of the Rules, that the Prosecution shall file its responses to preliminary motions pursuant to Rule 72 of the Rules within a seven-day time limit but that the Prosecution may file, if necessary, a request for an extension of time to file its response to the Defence Motion;

**NOTING** that Rule 127(A)(i) of the Rules allows the Trial Chamber to grant a motion for extension of time upon a showing of good cause;

**NOTING** that the Prosecution submits, *inter alia*, that the Defence Motion is an over-sized filing that addresses important issues and that the Prosecution should be allowed the fourteen days usually permitted under the Rules to respond to the Defence Motion;

**CONSIDERING** that the Prosecution has shown good cause for an extension of time and has not requested more time than is allowed under the Rules to file its response;

**PURSUANT TO** Rules 54, 126*bis* and 127(A)(i) of the Rules,

**HEREBY GRANTS** the Motion and

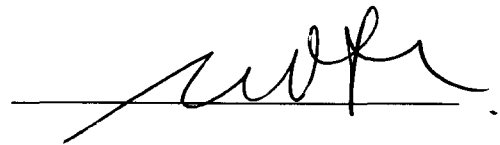
**ORDERS** that the Prosecution shall submit its response to the Defence Motion by 12 May 2006.

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

Dated this fifth day of May 2006

At The Hague

The Netherlands

A handwritten signature in black ink, appearing to read 'C. Agius', is written over a horizontal line.

**Judge Carmel Agius**

**Presiding**

**[Seal of the Tribunal]**