



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-98-32/1-PT

Date: 8 May 2006

Original: English

**IN THE REFERRAL BENCH**

**Before:** Judge Alphons Orie, Presiding  
Judge O-Gon Kwon  
Judge Kevin Parker

**Registrar:** Mr. Hans Holthuis

**Decision:** 8 May 2006

**PROSECUTOR**

**v.**

**MILAN LUKIĆ &  
SREDOJE LUKIĆ**

**DECISION ON THE MOTION OF DEFENCE COUNSEL FOR  
MILAN LUKIĆ FOR AN EXTENSION OF TIME TO FILE A  
RESPONSE TO REQUEST BY PROSECUTOR UNDER RULE 11bis**

**The Office of the Prosecutor:**

Carla del Ponte  
Mark B. Harmon

**Counsel for the Accused Milan Lukić:**

Alan L. Yatvin

**Counsel for the Accused Sredoje Lukić:**

Đuro Čepić

**THE REFERRAL BENCH** 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”);

**NOTING** the “Request by the Prosecutor under Rule 11*bis*” (Request for Referral”), filed on 1 February 2005, whereby the Office of the Prosecution (“Prosecution”) requests referral of the case against Mr. Milan Lukić (“Accused”) to the authorities of Bosnia and Herzegovina;

**NOTING** the Referral Bench’s “Decision on Prosecutor’s Motion to Suspend Consideration of Rule 11*bis* Request”, rendered on 15 December 2005;

**NOTING** the “Prosecutor’s Notification to the Referral Bench as to Realization of Conditions for Resumption of Rule 11*bis* Proceedings”, filed on 4 April 2006;

**BEING SEIZED OF** the “Motion of Defence Counsel for Milan Lukić for an Extension of Time to File a Response to Request by Prosecutor under Rule 11*bis*” (“Motion”), filed on 28 April 2006, whereby Defence Counsel for the Accused (“Defence Counsel”) requests that the Referral Bench grant an extension of time until 1 July 2006 for the filing of a response to the Prosecution’s Request for Referral;

**NOTING** the “Prosecutor’s Response in Opposition to Motion of Defence Counsel for Milan Lukić for an Extension of Time to File a Response to Request by Prosecutor under Rule 11*bis*”, in which the Prosecution submits that the Defence has not demonstrated good cause for granting an extension of time to 1 July 2006;

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

**CONSIDERING FURTHER** that, pursuant to Rule 127(A)(i), a Trial Chamber may, upon good cause being shown by motion, enlarge or reduce any time prescribed by the Rules;

**CONSIDERING** that the Defence Counsel was assigned to represent the Accused on 13 April 2006,<sup>1</sup> and was therefore required to file a response to the Request for Referral, if at all, within fourteen days of the date of his assignment to the present case, or by no later than 27 April 2006;

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<sup>1</sup> Defence Motion, para. 15.

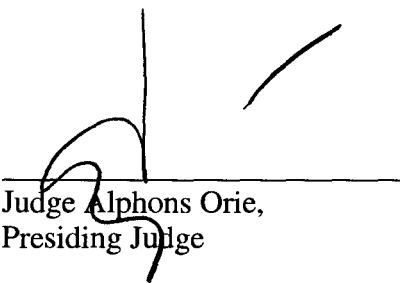
**FINDING** that, while no good cause has been demonstrated for varying the time limit required to file a response, the granting of a reasonable extension of time will nonetheless further the interests of justice;

**FOR THE FOREGOING REASONS,**

**PURSUANT TO** Rule 126*bis* and 127 of the Rules,

**GRANTS** the Motion in part and **ORDERS** the Defence to file its response to the Prosecution's Request for Referral by no later than 19 May 2006.

Done in English and French, the English text being the authoritative.  
Done on this eighth day of May 2006  
At The Hague,  
The Netherlands



Judge Alphons Orie,  
Presiding Judge

[Seal of the Tribunal]