



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: 23 June 2006  
Original: English

**IN TRIAL CHAMBER II**

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

**Registrar:** Mr. Hans Holthuis

**Decision of:** 23 June 2006

**PROSECUTOR**

v.

**Ljube BOŠKOSKI  
Johan TARČULOVSKI**

**DECISION ON PROSECUTION'S MOTION FOR EXTENSION  
OF TIME TO COMPLETE MOTIONS CONCERNING  
ADMISSION OF WRITTEN STATEMENTS PURSUANT TO  
RULE 92 *BIS***

**Counsel for the Prosecutor:**

Mr. Dan Saxon  
Mr. William Smith  
Mr. Anees Ahmed

**Counsel for Ljube Boškosi**

Ljube Boškosi  
Ms. Edina Rešidović

**Counsel for Johan Tarčulovski**

Mr. Antonio Apostolski

**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 “Prosecution’s Motion for Extension of Time to Complete Motions Concerning Admission of Written Statements Pursuant to Rule 92bis” filed on 26 May 2006 (“Motion”), in which the Prosecution seeks an extension of time until 29 June 2006 to file all motions pursuant to Rule 92bis of the Tribunal’s Rules of Procedure and Evidence (“Rules”);

**NOTING** that the Prosecution submits that: (i) it intends to file several more Rule 92bis motions, some with substantial attachments and, as part of that process, it is reviewing and revising its witness list, which will enable it to “produce a final proposed Second Amended Witness List reflecting a significantly reduced Case-in-Chief”;<sup>1</sup> (ii) it will be “extremely difficult, if not impossible, for the Prosecution to complete all of its Rule 92bis motions prior to 11 June” because there is currently only one Trial Attorney undertaking this work and he must go to Belgrade to carry out trial preparation work for another case that is scheduled to commence in the near future;<sup>2</sup> and, (iii) it has consulted with Defence Counsel for both Boškoski and Tarčulovski about this matter and neither counsel objects to the request;<sup>3</sup>

**NOTING** that in its Response, Counsel for Tarčulovski submits that it “takes no position with respect to the Prosecution request for extension of time”;<sup>4</sup>

**NOTING** further that Boškoski received a translation of the Motion in Macedonian on 7 June 2006 and that the time period in which he could file a response to the Motion ended on 21 June 2006 without him filing a response;

**NOTING** that under Rule 127(A)(i)bis of the Rules a Trial Chamber or a Pre-Trial Judge may, on “good cause” being shown by motion, enlarge any time-limit prescribed under the Rules;

**CONSIDERING** that an expeditious trial is in the best interests of both Accused and that the process related to the filing of Rule 92bis motions in the near future is expected to lead to a reduced Case-in-Chief;

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<sup>1</sup> Motion, para. 2.

<sup>2</sup> Motion, para. 3.

<sup>3</sup> *Ibid.*

<sup>4</sup> Defence Response to “Prosecution’s Motion for Extension of Time to Complete Motions Concerning the Admission of Written Statements Pursuant to Rule 92bis”, 31 May 2006, para. 2.

**CONSIDERING FURTHER** that no date is set for the commencement of trial and, thus, that the extension of the Prosecution's deadline for filing Rule 92*bis* motions until 29 June 2006 will not prejudice the Accused;

**FIND** that, in the circumstances of the case, "good cause" exists for the requested time extension;

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

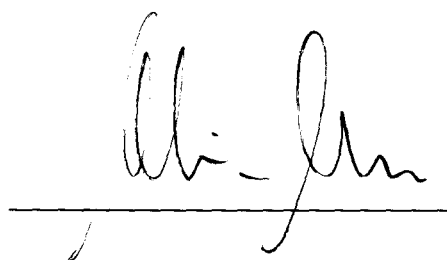
**HEREBY GRANT** the Motion and **ORDER** that all motions pursuant to Rule 92*bis* of the Rules shall be filed by the Prosecution by 29 June 2006.

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

Dated this twenty-third day of June 2006,

At The Hague

The Netherlands

A handwritten signature in black ink, appearing to read 'Albin Eser', is written over a horizontal line. The signature is cursive and somewhat stylized.

**Judge Albin Eser**

**Pre-Trial Judge**

**[Seal of the Tribunal]**