



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: 11 July 2006
Original: English

IN TRIAL CHAMBER II

Before: Judge Kimberly Prost, Pre-Trial Judge

Registrar: Mr. Hans Holthuis

Decision: 11 July 2006

PROSECUTOR

v.

**Ljube BOŠKOSKI
Johan TARČULOVSKI**

**DECISION ON LJUBE BOŠKOSKI'S SUBMISSION FOR THE
CLARIFICATION AND DETERMINATION OF TIME-LIMITS
FOR FILING OF THE PRE-TRIAL BRIEF**

The Office of the Prosecutor:

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

Counsel for the Accused:

Ljube Boškosi
Mr. Antonio Apostolski for Johan Tarčulovski

I, **Kimberly Prost**, 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 “Submission for the Clarification and Determination of Time-Limits for Filing of the Pre-Trial Brief” filed by Ljube Boškosi on 27 June 2006 (“Submission” and “Boškosi” respectively);

NOTING the “Decision on the Motions on Fair Trial and Extensions of Time” issued by the Trial Chamber on 19 May 2006 (“Decision on Extensions of Time”), in which, upon the request of counsel for Johan Tarčulovski (“Defence of Tarčulovski”), the Trial Chamber granted to Ljube Boškosi and Johan Tarčulovski (“Accused”) an extension of time for the filing of the Pre-Trial Brief of 20 days running from the date of the translation of the amended Pre-Trial Brief of the Office of the Prosecution (“Prosecution”);

NOTING that in the Submission, Boškosi states that he received the translation of the Prosecution’s amended Pre-Trial Brief on 21 June 2006 and recalls that the time-limit for the filing of his Pre-Trial Brief is 11 July 2006;

NOTING that the Boškosi submits that, in light of the fact that his motions on Jurisdiction and the form of the Second Amended Indictment¹ have not yet been disposed of, he is not able to prepare his Pre-Trial Brief within the set time-limit, and requests either clarification of the manner in which the time-limits for the filing of the Pre-Trial Brief are calculated or an extension of time for the filing of the Pre-Trial Brief running from the date when all of his pending motions have been disposed of;

NOTING the “Prosecution’s Response to Accused Boškosi’s ‘Submission for the Clarification and Determination of Time-Limits for Filing of the Pre-Trial Brief’” filed on 4 July 2006, wherein the Prosecution submits that it takes no position on Boškosi’s request and leaves it to the Trial Chamber to decide “the same as it deems appropriate”;

NOTING that Rule 65ter(F) of the Rules of Procedure and Evidence of the Tribunal (“Rules”) provides that after the submission by the Prosecution of the Pre-Trial Brief, the pre-trial Judge shall order the defence, within a time-limit set by the pre-trial Judge, and not later than three weeks before the Pre-Trial Conference, to file a pre-trial brief;

¹ “Assigned *Pro Bono* Counsel Motion Challenging Jurisdiction” and “Assigned *Pro Bono* Counsel Motion Challenging the Form of the Second Amended Indictment”, both filed by Ms. Edina Rešidović on behalf of Boškosi on 21 June 2006.

NOTING that Rule 127(A)(i) of the Rules provides that a pre-trial Judge may, on “good cause” being shown by motion, enlarge any time-limit prescribed under the Rules;

CONSIDERING that no date is set for the commencement of trial at the moment;

CONSIDERING that the pre-trial Judge is satisfied that in the Submission, Boškoski has shown good cause;

CONSIDERING FURTHER that the same time limits should apply to both Accused;

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

HEREBY GRANT the Motion and **ORDER** Boškoski and the Defence of Tarčulovski to submit the Pre-Trial Brief by no later than three days after the current pending motions relating to Jurisdiction and the form of the Second Amended Indictment² have been disposed of, but the time will run from the date of the translation of the decisions on these motions.

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

Dated this eleventh day of July 2006,

At The Hague

The Netherlands



Judge Kimberly Prost

Pre-Trial Judge

[Seal of the Tribunal]

² *Ibid.*