



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

Case No. IT-04-82-PT
Date: 21 September 2006
Original: English

IN TRIAL CHAMBER II

Before: Judge Kimberly Prost, Pre-Trial Judge

Registrar: Mr. Hans Holthuis

Decision of: 21 September 2006

PROSECUTOR

v.

**LJUBE BOŠKOSKI
JOHAN TARČULOVSKI**

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

The Office of the Prosecutor:

Mr. Dan Saxon
Mr. Anees Ahmed

Counsel for the Accused:

Ms. Edina Rešidović for Ljube Bošković
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 SEIZED OF the “Prosecution’s Motion for Extension of Time”, filed on 19 September 2006 (“Motion”), by the Office of the Prosecutor (“Prosecution”), seeking an extension of time by one week to file its replies to the Responses, filed by the Accused Ljube Boškoski and Johan Tarčulovski (“Accused” or “Defence”), to the Prosecution’s Third, Fourth, Fifth and Sixth Revised Motions seeking admission of written statements of witnesses in lieu of *viva voce* testimony pursuant to Rule 92*bis* (“Responses”);

NOTING that the Defence of Ljube Boškoski indicated in its Response that it does not oppose the Motion;¹

NOTING that the Prosecution has advised that the Defence of Johan Tarčulovski agreed not to oppose the present Motion;²

NOTING that the Responses were filed confidentially on 18 September 2006;³

NOTING that Rule 126*bis* of the Rules of Procedure and Evidence (“Rules”) provides, *inter alia*, that a reply to a response shall be filed within seven days of the filing of the response;

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

NOTING that the Prosecution submits that, pursuant to Rule 126*bis* of the Rules, in a period of seven days it should reply to the eight Responses dealing with fifty five witnesses;⁴

NOTING that the Prosecution further submits that “it is imperative that it files its [r]epplies with thorough care and detail by analysing their – at times, multiple – written statements”;⁵

¹ Boškoski Defence Response to Prosecution’s Motion for Extension of Time, filed on 20 September 2006.

² Motion, para. 5.

³ The Defence filed the Responses on 18 September 2006, pursuant to the order given by the Pre-Trial Judge in the “Decision on request to declare the envisioned deadlines invalid and defence counsel motion seeking new deadlines”, filed on 16 August 2006.

⁴ Motion, paras 2-3.

⁵ Motion, para. 3.

NOTING that the Prosecution finally submits that such an extension of time “shall serve the ends of international justice inasmuch as the Trial Chamber will be better assisted by the Prosecution’s thorough [r]eplies addressing all the factual and legal issues raised in these eight Responses”;⁶

CONSIDERING that the Prosecution’s replies need to address eight Responses dealing with a considerable number of witnesses and respective statements, and that the Trial Chamber would be assisted by the Prosecution’s replies;

CONSIDERING therefore that “good cause” has been shown for the requested time extension;

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


HEREBY GRANT the Motion and **ORDER** that the reply to the Defence Responses be filed by the Prosecution no later than Monday, 2 October 2006.

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

Dated this twenty-first day of September 2006,

At The Hague

The Netherlands



Judge Kimberly Prost

Pre-Trial Judge

[Seal of the Tribunal]

⁶ Motion, para. 4.