

The Accused
Zdravko Tolimir

Office of the Prosecutor
Mr. Peter McCloskey

**DECISION ON TOLIMIR'S URGENT MOTION FOR EXTENSION OF
TIME LIMIT FOR FILING A RESPONSE TO THE PROSECUTOR'S
92 *quater* MOTION**

PUBLIC

ZDRAVKO TOLIMIR

v.

PROSECUTOR

Before: Judge Kimberly Prost, Pre-Trial Judge
Registrar: Mr. John Hocking
Decision of: 17 July 2009

IN TRIAL CHAMBER II

Case No.: IT-05-88/2-PT
Date: 17 July 2009
Original: English

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



**UNITED
NATIONS**

17-05-88/2-PT
D 3771 - D 3769
17 JULY 2009

3771
TR

I, **KIMBERLY PROST**, 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 “Urgent Motion for Extension of Time Limit for Filing a Response to the Prosecution’s 92 *quater* Motion”, submitted by the Accused Zdravko Tolimir on 13 July 2009 and filed confidentially in English on 15 July 2009 (“Motion”);¹

NOTING that the Prosecution’s 92 *quater* Motion was filed confidentially in BCS on 3 July 2009,² according to which the Accused is to file his response by no later than 17 July 2009;

NOTING that in the Motion, the Accused requests an extension of the time limit for filing a response to the Prosecution’s 92 *quater* Motion until 24 July 2009 on the grounds that the preparation of his responses to the Prosecution’s 92 *bis* Motion³ and the Prosecution’s 92 *ter* Motion⁴ is time-consuming; it is necessary to allow sufficient time to respond to the Prosecution’s 92 *quater* Motion in order to ensure the right to a fair trial; and the request would not jeopardise the expeditious conduct of the proceedings nor would it upset other time limits;⁵

NOTING the “Prosecution’s Response to the Accused Tolimir’s Urgent Motion for Extension of Time Limit for Filing a Response to the Prosecution’s 92 *quater* Motion”, filed on 16 July 2009 (“Response”), in which the Prosecution does not object to the Motion;⁶

NOTING that Rule 127(A)(i) of the Rules of Procedure and Evidence (“Rules”) provides that a Trial Chamber, on good cause being shown by motion, may extend or reduce any time prescribed by or under the Rules;

CONSIDERING that the Accused has recently submitted the last response to the Prosecution’s 92 *bis* Motion in light of a Trial Chamber’s order⁷ and that he is to submit a response to the Prosecution’s 92 *ter* Motion by no later than 24 July 2009;⁸

CONSIDERING that in these circumstances good cause has been shown for granting an extension of time;

¹ The public redacted version of the Motion was filed on 16 July 2009.

² The original English version was filed confidentially on 18 March 2009.

³ Filed confidentially on 13 February 2009 and its BCS version was filed on 1 April 2009.

⁴ Filed confidentially on 18 March 2009 and its BCS version was filed on 28 May 2009.

⁵ Motion, paras. 2–4.

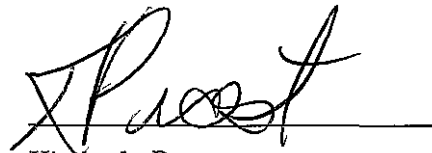
⁶ Response, para. 2.

⁷ See Decision on Tolimir’s Request for Extension of Time Limit for Filing a Response to the Prosecution Motion under Rule 92*bis*, 29 May 2009.

PURSUANT TO Rules 92 *quater* and 127(A)(i) of the Rules,

HEREBY GRANT the Motion and **ORDER** that a response to the Prosecution's 92 *quater* Motion be filed by no later than 24 July 2009.

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



Kimberly Prost
Pre-Trial Judge

Dated this seventeenth day of July 2009
At The Hague
The Netherlands

[Seal of the Tribunal]

⁸ See Decision on Tolimir's Motion for Extension of Time Limit for Filing a Response to the Prosecution's 92 *ter* Motion, 16 June 2009.