



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-05-88/2-PT

Date: 16 June 2009

Original: English

IN TRIAL CHAMBER II

Before: Judge Kimberly Prost, Pre-Trial Judge

Registrar: Mr. John Hocking

Decision of: 16 June 2009

PROSECUTOR

v.

ZDRAVKO TOLIMIR

PUBLIC

**DECISION ON TOLIMIR'S MOTION FOR EXTENSION OF TIME LIMIT
FOR FILING A RESPONSE TO THE PROSECUTION'S 92 *ter* MOTION**

Office of the Prosecutor

Mr. Peter McCloskey

The Accused

Zdravko Tolimir

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 “Motion for Extension of Time Limit for Filing a Response to the Prosecution’s Motion for Admission of Evidence Pursuant to Rule 94 *ter* (sic)”, submitted by the Accused Zdravko Tolimir on 8 June 2009 and filed in English on 12 June 2009 (“Motion”);

NOTING the “Prosecution’s Motion for Admission of Evidence Pursuant to Rule 92 *ter* with Appendices A-C”, filed confidentially on 18 March 2009 (“Prosecution’s 92 *ter* Motion”);¹

NOTING that in the Motion, Tolimir requests an extension of the time limit to file a response to the Prosecution’s 92 *ter* Motion until 30 July 2009 on the grounds that responses to the “Prosecution’s Motion for Admission of Written Evidence in Lieu of *Viva Voce* Testimony Pursuant to Rule 92 *bis* and Attached Appendix A” (“Prosecution’s 92 *bis* Motion”)² are currently being produced, which requires analysis of a vast amount of evidence; that the Prosecution’s 92 *ter* Motion is very extensive, which also requires an investigation and analysis of a large amount of material; and that the extension of the time limit would not jeopardise the expeditious conduct of the proceedings because the proposed witnesses in the Prosecution 92 *ter* Motion are required to be cross-examined;³

NOTING the “Prosecution’s Response to the Accused Tolimir’s Motion for Extension of Time Limit for Filing a Response to the Prosecution’s Motion for Admission of Evidence Pursuant to Rule 94*ter*”, filed on 15 June 2009 (“Response”), in which the Prosecution does not object to the Motion;⁴

NOTING that Rule 127(A)(i) of the Rules of 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 was to submit a response to the Prosecution’s 92 *ter* Motion by no later than 11 June 2009;

CONSIDERING the separate responses in different periods of time to the Prosecution 92 *bis* Motion being submitted by Tolimir and the amount of witness statements and transcripts proposed in the Prosecution 92 *ter* Motion;

¹ The BCS version of the Prosecution’s 92 *ter* Motion was filed on 28 May 2009.

² Filed confidentially on 13 February 2009 and its BCS version was filed on 1 April 2009.

³ Motion, paras. 1–3.

⁴ Response, para. 2.

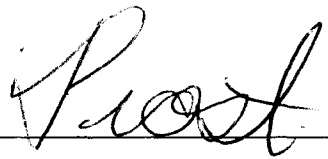
CONSIDERING however the more limited nature of the analysis which is necessary to respond to a motion under Rule 92*ter* and the need to ensure the expeditious preparation of the case for trial;

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

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

HEREBY GRANT the Motion in part and **ORDER** that a response to the Prosecution's 92 *ter* 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 sixteenth day of June 2009
At The Hague
The Netherlands

[Seal of the Tribunal]