



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-T
Date: 10 October 2012
Original: English

IN TRIAL CHAMBER II

Before: Judge Christoph Flügge, Presiding
Judge Antoine Kesia-Mbe Mindua
Judge Prisca Matimba Nyambe

Registrar: Mr. John Hocking

Decision of: 10 October 2012

PROSECUTOR

v.

ZDRAVKO TOLIMIR

PUBLIC

**DECISION ON THE PROSECUTION REQUEST
FOR EXTENSION OF TIME TO FILE PUBLIC REDACTED VERSION
OF THE PROSECUTION FINAL BRIEF**

Office of the Prosecutor

Mr. Peter McCloskey

The Accused

Zdravko Tolimir

THIS TRIAL CHAMBER 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”);

NOTING the “Order on Filing of Public Redacted Versions of Final Briefs” (“Order”) issued on 23 August 2012, in which the Chamber ordered the parties to submit public redacted versions of their respective final trial briefs no later than Monday, 1 October 2012, “in full respect of the spirit of the Statute and preserving all protective orders issued by this Tribunal”;

NOTING the public redacted version of the “Defence Final Trial Brief with corrigendum” submitted by the Accused Zdravko Tolimir (“Accused”) on 1 October 2012 in BCS with English translation filed on 4 October 2012;

NOTING WITH CONCERN that the deadline set forth in the Order passed as of 1 October 2012, and no action was taken by the Prosecution prior to the set deadline;

BEING SEISED OF the “Prosecution Request for Extension of Time to File Public Redacted Version of the Prosecution Final Brief” (“Motion”) filed on 3 October 2012, in which the Prosecution states that it “inadvertently overlooked the deadline set by the Chamber”, “regrets the resultant delay”, and is presently working to complete this task but with limited resources; the Prosecution seeks an extension of time, until 30 November 2012, to file a public redacted version of its final trial brief;

NOTING that on 4 October 2012 the Chamber sent informal correspondence to the parties requesting that the Accused submit an expedited response to the Motion, if any; subsequently, no response was submitted by the Accused;

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

RECALLING that in its Order, the Chamber stressed the importance of publicly available final trial briefs to public proceedings as dictated by Article 20(4) of the Statute of the Tribunal (“Statute”) and Rule 78 of the Rules;

RECALLING that the Order provided ample time—five and a half weeks—to complete and file the public redacted versions of the final trial briefs;

CONSIDERING that despite its submission of limited resources, the Prosecution has not shown good cause for a request of two additional months, over and above the initial period of time allotted;

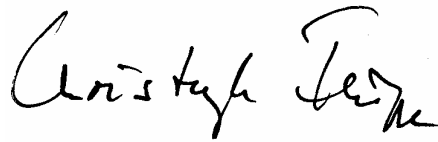
CONSIDERING, further, that such request is excessive, especially given that the reason for the request is borne out of the Prosecution's own failure to observe the ordered deadline;

CONSIDERING, however, that it is in the interest of justice to extend the deadline provided in the Order to allow for the Prosecution Final Trial Brief to be publicly available;

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

HEREBY GRANTS the Motion, **IN PART**, and **ORDERS** the Prosecution to submit its public redacted brief, adhering to the standard set forth in the Order, by 31 October 2012.

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



Judge Christoph Flügge
Presiding Judge

Dated this tenth day of October 2012
At The Hague
The Netherlands

[Seal of the Tribunal]