



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-04-83-PT

Date: 20 September 2006

Original: English

THE PRE-TRIAL JUDGE

Before: Judge Krister Thelin

Registrar: Mr. Hans Holthuis

Decision of: 20 September 2006

PROSECUTOR

v.

RASIM DELIĆ

**DECISION ON THE PROSECUTION MOTION TO EXCEED WORD LIMITS IMPOSED
BY THE PRACTICE DIRECTION ON THE LENGTH OF BRIEFS AND MOTIONS**

Office of the Prosecutor

Mr. Daryl Mundis

Ms. Tecla Henry-Benjamin

Counsel for the Accused

Mrs. Vasvija Vidović

Ms. Quincy Whitaker

I, Krister Thelin, 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”);

HAVING BEEN APPOINTED as pre-trial Judge in this case by virtue of the Order of Trial Chamber III dated 16 May 2006;

BEING SEISED of a partly confidential “Prosecution Motion to Exceed Word Limits Imposed by the Practice Direction on the Length of Briefs and Motions” filed by the Office of the Prosecutor (“Prosecutor”) on 19 September 2006 (“the Motion”), seeking leave to file a pre-trial brief exceeding 15,000 words, the limit on the length of pre-trial briefs provided under the Practice Direction on the Length of Briefs and Motions (“Practice Direction”);¹

NOTING that the Prosecution wishes to incorporate the full text of the Indictment, which contains 5,245 words, into its pre-trial brief, so as to allow the Trial Chamber and the Defence to see which portion of the pre-trial brief goes to support which specific paragraph in the Indictment;

NOTING that the Practice Direction provides that, where a party wishes to exceed the word limits set out therein, it must provide “an explanation of the exceptional circumstances that necessitate the oversized filing”, and that “the pre-[trial]² Judge may dispose of the Motion without hearing the other party, unless he/she considers that there is a risk that the other party may be prejudiced”;

CONSIDERING that further trial preparation in this case would be facilitated by the proposed structure of the pre-trial brief as it would save cross-referencing time for the Chamber and the

¹ IT/184 Rev. 2, 16 September 2005, para. I(C)(3).

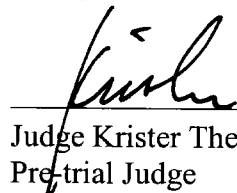
² While paragraph I(C)(7) of the Practice Direction speaks of “pre-appeal Judge”, it is plain from a reading of the introductory paragraph of the Practice Direction that its provisions are meant to apply *mutatis mutandis* to both trial and appeal.

Defence; therefore, I am satisfied that the Prosecutor has shown exceptional circumstances to allow an oversized filing and that no prejudice would be suffered by the Defence as a result;

PURSUANT TO Rules 65 *ter* the Rules of Procedure and Evidence of the International Tribunal, and Paragraph I(C)(7) of the Practice Direction,

HEREBY GRANT the Motion and **ORDER** that the Prosecution may file a pre-trial brief not exceeding 20,245 words.

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



Judge Krister Thelin
Pre-trial Judge

Dated this twentieth day of September 2006
At The Hague
The Netherlands

[Seal of the Tribunal]