



International Tribunal for the Prosecution of
Persons Responsible for Serious Violations of
International Humanitarian Law Committed in
the Territory of Former Yugoslavia since 1991

Case No. IT-04-83-T

Date: 8 May 2008

Original: English

IN TRIAL CHAMBER I

Before: Judge Bakone Justice Moloto, Presiding
Judge Frederik Harhoff
Judge Flavia Lattanzi

Registrar: Mr. Hans Holthuis

Decision of: 8 May 2008

PROSECUTOR

v.

RASIM DELIĆ

PUBLIC

**DECISION ON URGENT DEFENCE MOTION TO
EXCEED WORD LIMIT FOR FINAL TRIAL BRIEF**

The Office of the Prosecutor

Mr. Daryl A. Mundis
Ms. Laurie Sartorio
Mr. Matthias Neuner
Mr. Kyle Wood
Mr. Aditya Menon

Counsel for the Accused

Ms. Vasvija Vidović
Mr. Nicholas David Robson

TRIAL CHAMBER I (“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”);

BEING SEISED of the “Urgent Defence Motion to Exceed Word Limit for Final Trial Brief”, filed publicly on 29 April 2008 (“Motion”), whereby the Defence requests to exceed the maximum word limit for final trial briefs provided in the Tribunal’s Practice Direction on the Length of Briefs and Motions (“Practice Direction”) with respect to its final trial brief that it was instructed to file by no later than 30 May 2008;¹

NOTING that paragraph (C)4 of the Practice Direction provides that final trial briefs will not exceed 60,000 words and paragraph (C)7 thereof requires that a party must seek authorization in advance from the Chamber to exceed the word limit and provide an explanation of the exceptional circumstances that necessitate the oversized filing;

NOTING that in its Motion, the Defence requests that the Trial Chamber authorize the word limit be increased to 110,000 words in order to fully and properly cover : (1) the large number of exhibits admitted during the trial, (2) the long temporal scope of the Indictment, (3) the substantial number of complex factual and legal issues relating to command and control raised in the case, and (4) the detailed analysis of crime-base evidence required as the case involves three crime-base locations;²

NOTING further that in support of its Motion, the Defence submits that under the Scheduling Order the parties have no right to file a written response to the opposite party’s final trial brief so that the Defence must set out all its submissions in the final trial brief;³

NOTING that the “Prosecution Response to Urgent Defence Motion to Exceed Word Limit for Final Trial Brief”, filed publicly on 2 May 2008, whereby the Prosecution takes no position on the Defence’s Motion, other than to note that if the Chamber were to grant the Motion and authorise an extension of the word limit, the limit should apply to both parties, although at this stage the Prosecution anticipates that its final trial brief will not exceed 60,000 words;

CONSIDERING the complexity of the issues in the present case and that the parties are not allowed to file a written response to the opposite party’s final trial brief,⁴ thorough and complete final trial briefs will assist the Trial Chamber in determining the issues in the present case;

¹ See Scheduling Order for Case Completion, 22 April 2008 (“Scheduling Order”).

² Motion, paras 6-9.

³ Motion, para. 10.


⁴ Scheduling Order, p. 2.

CONSIDERING however, that the Trial Chamber expects that in their final trial briefs, the parties will strictly confine themselves to addressing only matters relevant to the charges in the Indictment;

PURSUANT TO Rule 54 of the Rules of Procedure and Evidence and paragraph (C)7 of the Practice Direction,

HEREBY GRANTS the Motion and **AUTHORIZES** both parties to file a final trial brief not exceeding 110,000 words.

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



Judge Bakone Justice Moloto
Presiding

Dated this eighth day of May 2008

At The Hague

The Netherlands

[Seal of the Tribunal]