



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-04-81-PT
Date: 28 March 2007
Original: English

IN THE TRIAL CHAMBER

Before: Judge Patrick Robinson, Pre-Trial Judge
Registrar: Mr. Hans Holthuis
Decision of: 28 March 2007

PROSECUTOR

v.

MOMČILO PERIŠIĆ

**DECISION ON COUNSEL'S REQUEST TO EXCEED WORD LIMIT FOR
PRE-TRIAL BRIEF**

The Office of the Prosecutor:

Mr. Mark Harmon
Ms. Susan Somers

Counsel for Momčilo Perišić:

Mr. James Castle

I, Patrick Robinson, 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 (“International Tribunal”),

BEING SEIZED of the “Request to exceed word limit for pre-trial brief”, filed by counsel for Momčilo Perišić (“Counsel”) on 26 March 2007 (“Request”), whereby Counsel requests to exceed the maximum word limit for pre-trial briefs provided in the Tribunal’s Practice Direction on Length of Briefs and Motions (“Practice Direction”) with respect to his pre-trial brief (“Pre-Trial Brief”) that he was instructed to file by no later than 2 April 2007,¹

NOTING that the Practice Direction provides, *inter alia*, that pre-trial briefs will not exceed 15,000 words and that a party must seek authorization in advance from the Chamber to exceed the word limits in the Practice Direction and must provide an explanation of the exceptional circumstances that necessitate the oversized filing,²

NOTING that in his Request, Counsel submits that he needs to exceed the word limit of the Pre-Trial Brief to 19,000 words so that he can address a number of issues relevant to the case which were not addressed by the Prosecution in its pre-trial brief, such as the elements of the crimes charged, the recent decision by the International Court of Justice in the case *Bosnia and Herzegovina v. Serbia and Montenegro*³ (which was not rendered until after the Prosecution pre-trial brief was filed) and certain forms of command responsibility (notably, inter-state command responsibility versus intra-state command responsibility),

CONSIDERING that the reasons given for the variation of the word limit are sufficient to allow Counsel to file a pre-trial brief not exceeding 19,000 words, and that a thorough and complete submission pursuant to Rule 65*ter* (F) of the Rules of Procedure and Evidence (“Rules”) will not result in any injustice to the Prosecution,

PURSUANT TO Rule 54 of the Rules and Article 7 the Practice Direction,

¹ See Order following a Status Conference and attached Work Plan, filed on 11 November 2006.

² Articles 3 and 7 of the Practice Direction.

³ International Court of Justice, *Case Concerning the Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (Bosnia and Herzegovina v. Serbia and Montenegro), Judgement, 26 February 2007.

HEREBY GRANT the Motion and **AUTHORIZE** Counsel to file a pre-trial brief not exceeding 19,000 words.

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



Patrick Robinson
Pre-Trial Judge

Dated this twenty-eighth day of March 2007
At The Hague
The Netherlands

[Seal of the Tribunal]