

IT-02-54-R77.5
0530-0528
13 January 2009

530
JA



**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-02-54-R77.5
Date: 13 January 2009
Original: English

IN A SPECIALLY APPOINTED CHAMBER

**Before: Judge Carmel Agius, Presiding
Judge Alphons Orié
Judge Christine Van den Wyngaert**

Acting Registrar: Mr. John Hocking

Order of: 13 January 2009

**IN THE CASE AGAINST
FLORENCE HARTMANN**

PUBLIC

**ORDER TO DEFENCE TO RESUBMIT FILING IN ACCORDANCE WITH WORD
LIMIT**

Amicus Curiae Prosecutor

Mr Bruce MacFarlane

Counsel of the Accused

Mr. Karim A. A. Khan

THE SPECIALLY APPOINTED CHAMBER (“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 “Motion for Reconsideration or Stay of Proceedings”, filed confidentially by counsel for Florence Hartmann (“the Accused”) on 9 January 2009 (“Defence Motion”), and the “Prosecutor’s Motion for Authorization to Exceed Word Limit Applicable to Response Briefs”, filed on 12 January 2009 (“Prosecution Motion”);

NOTING that the Defence Motion contains 27,700 words;

NOTING that in the Prosecution Motion, the Prosecutor requests to exceed the word limit by 2,500 words, submitting that 3,000 words does not permit him to adequately respond to the submissions in the lengthy Defence Motion;

NOTING the Practice Direction on the Length of Briefs and Motions, which specifies that the word limit for motions, responses and replies before a Chamber will not exceed 3,000 words and that “[a] party must seek authorization in advance from the Chamber to exceed the word limits in this Practice Direction, and must provide an explanation of the exceptional circumstances that necessitate the oversized filing...”;¹

NOTING that the Defence Motion exceeds the word limit by 24,700 words;

NOTING the submission by the Defence in their Motion that “[t]he facts and the information contained [in the motion] should be regarded as a supplement to the *amicus*’s report as those are matters which should have properly been placed before the Chamber at the time when it decided to initiate proceedings against Ms Hartmann,” and that “the Rules do not provide for any word-limitation regarding filings as the present one”;²

NOTING, further, the Defence submission that in the alternative, leave to deviate from the word-limit would be justified in the present circumstances because of “(i) the importance of the matter, (ii) because of the number of facts and issues that need to be brought to the attention of the Chamber, (iii) because of the grave investigative failures impacting Ms.

¹ Practice Direction on the Length of Briefs and Motions, IT/184-Rev.2, 16 September 2005, sections 5 and 7.

² Defence Motion, para. 42.

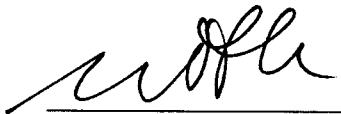
Hartmann's right to a fair trial that have occurred in this matter, (iv) the principle of equality between the parties and (v) because of the need to ensure a fair process for Ms Hartmann.”;³

CONSIDERING that the Chamber is not persuaded as to the existence of exceptional circumstances that necessitate the oversized filing, and that would warrant an excess of 24,700 words;

PURSUANT TO Rules 54, 126*bis*, and 127 of the Rules, as well as the Practice Direction for Length of Motions and Briefs;

ORDERS the Defence to resubmit the Defence Motion in a form not exceeding 3000 words by 16 January 2009; and therefore **CONSIDERS** the Prosecution Motion to be moot.

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



Judge Carmel Agius
Presiding Judge

Dated this thirteenth day of January 2009
At The Hague
The Netherlands

[Seal of the Tribunal]

³ Defence Motion, para. 43.