

UNITED
NATIONS



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-PT

Date: 25 November 2009

Original: English

IN TRIAL CHAMBER II

Before: Judge Kimberly Prost, Pre-Trial Judge

Registrar: Mr. John Hocking

Order/ Decision of: 25 November 2009

PROSECUTOR

v.

ZDRAVKO TOLIMIR

PUBLIC

**DECISION ON THE REQUESTS CONTAINED IN THE
ACCUSED'S PRE-TRIAL BRIEF**

Office of the Prosecutor
Mr. Peter McCloskey

The Accused
Zdravko Tolimir

I, **KIMBERLY PROST**, 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”);

BEING SEISED OF “Zdravko Tolimir’s Submission with a Pre-Trial Brief Pursuant to Rule 65 *ter*(F) and Notification of the Defence of Alibi in Respect of Some Charges” (“Accused’s Pre-Trial Brief”), submitted on 30 September 2009 and filed publicly on 28 October 2009, in which the Accused seeks leave to exceed the word limit (“Request”);¹

NOTING that the Accused also submits several other requests in the Accused’s Pre-Trial Brief, but they are entirely outside the framework of the Rules of Procedure and Evidence (“Rules”);

NOTING that at the status conference held on 27 February 2009, in relation to the Prosecution’s request to exceed the word limit in its Pre-Trial Brief, the Accused submitted only that should the Prosecution’s request be granted, he too should be permitted to exceed the word limit;²

NOTING that in its “Decision on Prosecution’s Request Relating to the Length of the Pre-Trial Brief”, issued on 17 April 2009, the Chamber held that in light of “the nature of the case ... [a] more detailed brief is beneficial to the Accused and to the Trial Chamber”, granted the Prosecution’s request to exceed the word limit, and indicated that the Accused “[might] similarly bring an application for an extension of the word limit for his pre-trial brief, which [would] be given favourable consideration”;³

CONSIDERING, therefore, that it would be in the interests of justice to permit the Accused to exceed the word limit;

¹ Accused’s Pre-Trial Brief, p. 2.

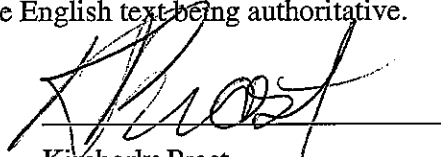
² T. 235 (27 February 2009).

³ Decision on Prosecution’s Request Relating to the Length of the Pre-Trial Brief, 17 April 2009, p. 2.

PURSUANT to Rule 54 of the Rules;

HEREBY GRANT the Request.

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



Kimberly Prost
Presiding and Pre-Trial Judge

Dated this 25th day of November 2009
At The Hague
The Netherlands

[Seal of the Tribunal]