

UNITED
NATIONS

IT-08-91-T
016192-016190
11 MAY 2012

16192
SC



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-08-91-T
Date: 11 May 2012
Original: English

IN TRIAL CHAMBER II

Before: Judge Burton Hall, Presiding
Judge Guy Delvoie
Judge Frederik Harhoff

Registrar: Mr. John Hocking

Decision of: 11 May 2012

PROSECUTOR

v.

MIĆO STANIŠIĆ AND STOJAN ŽUPLJANIN

PUBLIC

**DECISION DENYING PROSECUTION MOTION FOR EXTENSION OF WORD
LIMIT FOR FINAL TRIAL BRIEF**

The Office of the Prosecutor

Ms. Joanna Korner
Mr. Thomas Hannis

Counsel for the Accused

Mr. Slobodan Zečević and Mr. Slobodan Cvijetić for Mićo Stanišić
Mr. Dragan Krgović and Mr. Aleksandar Aleksić for Stojan Župljanin

TRIAL CHAMBER II (“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 “Prosecution urgent Motion seeking variation of the word limit for the final trial brief”, filed on 11 May 2012 (“Motion”);

NOTING that paragraph 4 of the Practice Direction on the Length of Briefs and Motions (“Practice Direction”)¹ provides that final trial briefs will not exceed 60,000 words;

NOTING that on 18 January 2012 the Trial Chamber having initially decided that the Prosecution’s final trial brief shall not exceed 100,000 words,² increased this limit to 120,000 words after having considered the Prosecution’s oral request to file a final trial brief of 175,000 words;³

RECALLING that on 1 May 2012, the Trial Chamber denied an additional request by the Prosecution to file a final trial brief of no more than 175,000 words;⁴

RECALLING that on 25 April 2012 and 27 April 2012 the Trial Chamber also denied additional requests to increase the word limits of the final trial briefs for the Župljanin and the Stanišić Defences respectively;⁵

NOTING that paragraph 7 of the Practice Direction requires the party seeking authorisation to exceed the relevant word limit to demonstrate to the Chamber exceptional circumstances that necessitate the oversized filing;

NOTING that with the Motion, the Prosecution seeks authorisation to file a final trial brief of no more than 140,000 words;

CONSIDERING that the Prosecution has not put forward materially different reasons to those advanced in its Motion of 26 April 2012 in support of its request for a further 20,000 word increase to the word limit;⁶

¹ IT/184/Rev. 2, 16 September 2005.

² Hearing, 18 January 2012, T. 26671-26672.

³ Hearing, 18 January 2012, T. 26672, 26687. *See also* Order on final trial briefs and closing arguments, 30 March 2012, p. 1.

⁴ Decision denying Prosecution Motion for extension of word limit for final trial brief, 1 May 2012.

⁵ Decision denying Župljanin Defence Motion for extension of word limit for final trial brief, 25 April 2012; Decision denying Stanišić Defence Motion for extension of word limit for final trial brief, 27 April 2012.

⁶ Prosecution Motion for variation of the word limit for its final trial brief, 26 April 2012.

CONSIDERING that the Prosecution therefore has not established that there are exceptional circumstances that necessitate the filing of a final trial brief in excess of the currently authorised word limit of 120,000 words;

PURSUANT TO Rule 54 of the Rules of Procedure and Evidence and the Practice Direction,

HEREBY DENIES the Motion, by majority, Judge Delvoie dissenting.

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


Judge Burton Hall
Presiding

Dated this 11th day of May 2012

At The Hague

The Netherlands

[Seal of the Tribunal]