



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-95-16-A
Date: 2 July 2001
Original: English

IN THE APPEALS CHAMBER

Before: Judge Patricia M. Wald, Pre-Appeal Judge

Registrar: Mr. Hans Holthuis

Order of: 2 July 2001

PROSECUTOR

v.

**ZORAN KUPREŠKIĆ
MIRJAN KUPREŠKIĆ
VLATKO KUPREŠKIĆ
DRAGO JOSIPOVIĆ
VLADIMIR ŠANTIĆ**

ORDER

Counsel for the Prosecutor:
Mr. Upawansa Yapa

Counsel for the Defence:
Mr. Ranko Radović, Mr. Tomislav Pasarić for Zoran Kupreškić
Ms. Jadranka Sloković-Glumac, Ms. Desanka Vranjican for Mirjan Kupreškić
Mr. Anthony Abell, Mr. John Livingston for Vlatko Kupreškić
Mr. William Clegg Q.C., Ms. Goranka Herljević for Drago Josipović
Mr. Petar Pavković, Mr. Mirko Vrdoljak for Vladimir Šantić

I, PATRICIA WALD, 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 (“Appeals Chamber” and “International Tribunal” respectively),

NOTING that the Trial Chamber Judgement in this case was rendered on 14 January 2000 and that Notices of Appeal have been filed, pursuant to Rule 108 of the Rules of Procedure and Evidence of the International Tribunal (“Rules”), by Vladimir Šantić, Drago Josipović, Vlatko Kupreškić, Zoran Kupreškić, Mirjan Kupreškić and the Prosecution;

HAVING BEEN APPOINTED as pre-appeal Judge in this matter by virtue of an order of the Appeals Chamber, dated 14 March 2001;

NOTING the Appellant’s Briefs and Supplemental Briefs filed by Vladimir Šantić, Drago Josipović, Vlatko Kupreškić, Zoran Kupreškić, and Mirjan Kupreškić;

NOTING that the Prosecution filed its Respondent’s Brief under Rule 112 of the Rules comprising 365 pages on 28 June 2001 (“Respondent’s Brief”);

NOTING that the “Practice Direction on the Length of Briefs and Motions” (IT/184) (“Practice Direction”), paragraph 1(b), provides that Respondents’ Briefs shall not exceed 100 pages or 30,000 words, whichever is greater;

NOTING that paragraph 7 of the Practice Direction prescribes that a party must seek authorization in advance from the Chamber to exceed the page limits and provide an explanation of the exceptional circumstances that necessitates the oversized filing;

CONSIDERING that the Respondent’s Brief was not preceded by such a request for authorization to exceed the prescribed page limit;

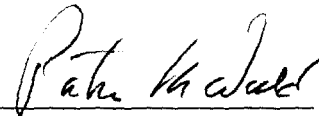
CONSIDERING, however, that the Practice Direction had not yet been adopted at the time of filing of the Appellants’ Briefs; that each of the Appellants, consequently, was at liberty to file an Appellant’s Brief exceeding 100 pages or 30,000 words, and that indeed some of them did;

CONSIDERING that this situation, combined with the fact that the present case involves multiple appellants raising various issues, constitutes exceptional circumstances justifying the size of the Respondent's Brief;

For the foregoing reasons

ACCEPTS the filing of the Respondent's Brief as validly done and **INFORMS** the Prosecution that, in any future situation involving the filing of over-sized documents, it must seek advance authorization from the Chamber to exceed the page limit in the Practice Direction and provide an explanation of the exceptional circumstances that necessitate the over-sized filing.

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



Patricia M. Wald
Pre-Appeal Judge

Dated this 2th day of July 2001
At The Hague,
The Netherlands.

[Seal of the Tribunal]