



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: IT-99-36-PT

Date: 14 September 2001

Original: English

IN TRIAL CHAMBER II

Before: Judge David Hunt, Pre-Trial Judge

Registrar: Mr Hans Holthuis

Decision of: 14 September 2001

PROSECUTOR

v

Radoslav BRĐANIN & Momir TALIĆ

**DECISION ON REQUEST OF THE PROSECUTION
FOR VARIATION OF PAGE LIMIT OF PRE-TRIAL BRIEF**

The Office of the Prosecutor:

**Ms Joanna Korner
Mr Andrew Cayley
Mr Nicolas Koumjian
Ms Anna Richterova
Ms Ann Sutherland**

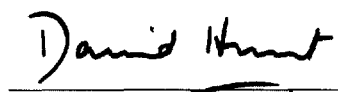
Counsel for Accused:

**Mr John Ackerman for Radoslav Brđanin
Maître Xavier de Roux and Maître Michel Pitron for Momir Talić**

1. In accordance with the Practice Direction on the Length of Briefs and Motions,¹ the prosecution has sought authorisation to exceed the page limit of fifty pages fixed by that Direction for its Pre-Trial Brief. It seeks a new limit of 100 pages.² Each of the two accused has stated to the Trial Chamber informally, but in writing, that there is no objection to the authorisation sought.
2. Nevertheless, the Practice Direction requires the Trial Chamber to be satisfied that exceptional circumstances justify the application.³ The prosecution points to its obligations under Rule 65(E)(i) of the Rules of Procedure and Evidence to provide summaries of the evidence in relation to each of the counts charged and the form of responsibility incurred by each accused, and to the fact that the evidence covers events which are alleged to have taken place within sixteen municipalities in the Autonomous Region of Krajina.⁴
3. The difficulties which the Trial Chamber has had in ascertaining from the various forms of the indictment pleaded by the prosecution in this case just what the nature of the prosecution's case is to be demonstrate more than adequately the need for the prosecution's Pre-Trial Brief to be very detailed indeed if both the accused and the Trial Chamber are to know fully what the issues are to be in this trial. The application by the prosecution will therefore be granted.
4. It is also obvious that, if the Pre-Trial Briefs to be filed by the two accused are to be of real assistance to the Trial Chamber, the accused will also need an authorisation to exceed the same limit imposed by the Practice Direction for their Pre-Trial Briefs. Such an authorisation will therefore be granted to the two accused in advance.
5. Accordingly, the following orders are made:
 - (1) The prosecution is authorised to exceed the limit imposed by the Practice Direction on the Length of Briefs and Motions and to file up to 100 pages in relation to its Pre-Trial Brief.
 - (2) Each of the accused is authorised to exceed the limit imposed by the Practice Direction on the Length of Briefs and Motions and to file up to 100 pages in relation to his Pre-Trial Brief.

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

Dated this 14th day of September 2001
At The Hague
The Netherlands



Judge David Hunt
Pre-Trial Judge

[Seal of the Tribunal]

¹ (IT/184), 19 January 2001 ("Practice Direction").

² Prosecution's Request for Variation of Page Limit of Pre-Trial Brief, 11 Sept 2001 ("Motion").

³ Practice Direction, Part (C), par 7.

⁴ Motion, pars 4-5.