

IT-98-33-A
A328-A325
10 December 2001

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THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

Case No. IT-98-33-A

IN THE APPEALS CHAMBER

Before: Pre-Appeal Judge David Hunt

Registrar: Mr. Hans Holthuis

Date Filed: 10 December 2001

THE PROSECUTOR

v.

RADISLAV KRSTIĆ

PROSECUTION'S REQUEST FOR A VARIATION OF THE PAGE LIMIT OF ITS
RESPONSE TO MOTION FOR PRODUCTION OF EVIDENCE

The Office of the Prosecutor:
Norman Farrell

Counsel for Radislav Krstić:
Mr. Nenad Petrušić
Mr. Tomislav Višnjić

Request granted
David Hunt
Pre-Appeal Judge
10/12/01

THE INTERNATIONAL CRIMINAL TRIBUNAL
FOR THE FORMER YUGOSLAVIA

Case No. IT-98-33-A

THE PROSECUTOR

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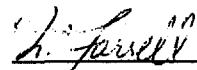
RADISLAV KRSTIĆ

PROSECUTION'S REQUEST FOR A VARIATION OF THE PAGE LIMIT OF ITS
RESPONSE TO MOTION FOR PRODUCTION OF EVIDENCE

1. The Prosecution files this document seeking a variation of the page limit, thereby permitting the Prosecution to file a Response to the Appellant's "Motion for Production of Evidence" (Appellant's Motion) in excess of ten pages.
2. According to the relevant Practice Direction,¹ a responding party is permitted ten pages or 3,000 words in which to set out its Response. The Prosecution's Response to the Appellant's Motion is approximately 22 pages long plus annexes. The Prosecution therefore files, with its Response, this Motion seeking an extension of the page limit.
3. The Appellant's Motion, though only ten pages in length raises numerous and broad factual allegations concerning the conduct of the Prosecution at trial and the manner of disclosure. In addition, the Appellant invokes Rules 66 and 68, and the principle of the equality of arms. In order to respond, mostly to the factual allegations, the Prosecution has been required to file a Response of twenty-two pages, plus annexes.

¹ "Practice Direction on the Length of Briefs and Motions", 19 January 2001, IT/184.

4. The Prosecution recognises that the better practice would have been to seek an extension of the page limit prior to filing its Response. It was difficult for the Prosecution to do so in the present case in light of the fact that the a response must be filed within 10 days of the filing of the Motion. The Motion itself was filed on Friday 30 November 2001 and was not received by the Office of the Prosecutor until Monday, 3 December 2001. Attached is the Receipt Slip indicating that it was not received until 3 December 2001.
5. In light of the factual allegations as set out in the Appellant's Motion, after receiving the Motion it took some time to review transcripts, disclosure logs, correspondence and the trial record to determine the position of the Prosecution. Unfortunately this was not completed in sufficient time to file this motion for a variation of the page limit prior to the filing of the Prosecution's Response.
6. The Prosecution respectfully requests that the Appeals Chamber grant the Prosecution's request for a variation of the page limit and accept the Response as filed.



Norman Farrell
Appeals Counsel

Dated this 10th day of December 2001
At The Hague, The Netherlands



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International
Criminal Tribunal
for the Former
Yugoslavia

Tribunal Pénal
International pour
l'ex-Yougoslavie

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Court Management and Support Services Section
Section d'administration et d'appui judiciaire

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