

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-01-47-PT

Date: 11 April 2002

Original: English

IN TRIAL CHAMBER II

Before: Judge Wolfgang Schomburg, Presiding
Judge Florence Ndpele Mwachande Mumba
Judge Carmel Agius

Registrar: Mr. Hans Holthuis

Decision of: 11 April 2002

PROSECUTOR

v

Enver HADŽIHASANOVIĆ
Mehmed ALAGIĆ
Amir KUBURA

**DECISION ON JOINT DEFENCE APPLICATION FOR LEAVE TO EXCEED THE PAGE
LIMIT FOR THE WRITTEN SUBMISSIONS OF THE DEFENCE CHALLENGES TO
JURISDICTION**

The Office of the Prosecutor:

Mr. Ekkehard Withopf
Mr. David Re
Mr. David Hackney
Ms. Cynthia Fairweather
Mr. José Doria

Counsel for accused

Ms. Edina Rešidović and Mr. Stéphane Bourgon for Enver Hadžihasanović
Mr. Vasvija Vidović and Mr. John Jones for Mehmed Alagić
Mr. Fahrudin Ibrišimović and Mr. Rodney Dixon for Amir Kubura

Case No. IT-01-47-PT

11 April 2002

THIS 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 (the “Tribunal”);

BEING SEIZED of the Joint Defence Application for Leave to Exceed the Page Limit for the Written Submissions on the Defence Challenges to Jurisdiction (the “Joint Defence Application”), filed by the Defence on 8 April 2002;

NOTING the Prosecution’s Response to “Joint Defence Application for Leave to Exceed the Page Limit for Written Submissions on the Defence Challenges to Jurisdiction” (the “Response”), filed by the Prosecution on 10 April 2002;

NOTING the Scheduling Order issued on 25 March 2002 (the “Order”);

NOTING the second Order in this matter issued on 4 April 2002 (the “second Order”);

NOTING that para. 5 of the Practice Direction on the Length of Briefs and Motions of 19 January 2001 expressly provides that “*other motions, replies and responses before a Chamber will not exceed 10 pages or 3,000 words, whichever is greater*”;

NOTING that para. 5 remains unchanged in the Practice Direction on the Length of Briefs and Motions of 5 March 2002;

NOTING that para. 7 of the Practice Direction requires a party to seek authorisation in advance from a Chamber if it intends to file a motion exceeding the page limit and to provide an explanation of the exceptional circumstances that necessitates such a filing;

CONSIDERING that the Joint Defence Application shows exceptional circumstances necessitating this oversized filing;

NOTING that in para. 3 of the Response, the Prosecution requests to the Trial Chamber, if the Joint Defence Application is granted, to be entitled to file the same maximum number of pages as the Defence;

CONSIDERING that Trial Chamber is of the view that the Prosecution will address the same legal issue raised by each defendant;

CONSIDERING that at this stage the only concern is the page limit for the written submissions of the Parties;

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

HEREBY GRANTS the Joint Defence Application in part and **ORDERS** that

1. The Defence may file a written submission not exceeding 20 pages for each accused;
2. The Prosecution may file a written submission not exceeding 20 pages.

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

Done this eleventh day of April 2002

At The Hague

The Netherlands



Florence Ndepele Mwachande Mumba
Pre-Trial Judge

[Seal of the Tribunal]