



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-03-69-PT

Date: 16 July 2004

Original: English

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**IN THE TRIAL CHAMBER**

**Before:** Judge Patrick Robinson, Presiding  
Judge O-Gon Kwon  
Judge Bert Swart

**Registrar:** Mr. Hans Holthuis

**Decision of:** 16 July 2004

**PROSECUTOR**

**v.**

**JOVICA STANIŠIĆ  
FRANKO SIMATOVIĆ**

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**DECISION ON PROSECUTION REQUEST TO EXCEED PAGE LIMIT  
FOR PRE-TRIAL BRIEF**

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**The Office of the Prosecutor**

**Mr. Dermot Groome  
Mr. David Re  
Ms. Melissa Pack**

**Counsel for the Accused**

**Mr. Geert-Jan Alexander Knoops and Mr. Wayne Jordash, for Jovica Stanišić  
Mr. Zoran Jovanović, for Franko Simatović**

**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 (“International Tribunal”),

**BEING SEISED OF** a “Prosecution Request to Exceed Page Limit for Pre-Trial Brief” filed on 12 July 2004 (“Motion”) by the Office of the Prosecutor (“Prosecution”), requesting authorisation from the Trial Chamber to exceed the page limit of the Prosecution pre-trial brief, specifically seeking “permission to file a pre-trial brief of no more than 100 pages,”<sup>1</sup>

**NOTING** the (i) “Defence Response to the Prosecution Request to Exceed Page Limit for Pre-Trial Brief and Request for Extension Time-Limit to File Defence Pre-Trial Brief” filed on 13 July 2004 by the Defence of Jovica Stanišić; and (ii) “Defence Response to the Prosecution Request to Exceed Page Limit for Pre-Trial Brief and Request for Extension Time-Limit to File Defence Pre-Trial Brief” filed on 14 July 2004 by the Defence of Franko Simatović (collectively, “Responses”),

**NOTING** that the Responses indicate that the Defence of the two accused do not oppose the Motion, but that they request the Trial Chamber to allow a period of 5 months, from the filing of the Prosecution pre-trial brief, to file their respective pre-trial briefs in the event the Motion is granted,

**NOTING** that the Practice Direction on the Length of Briefs and Motions of the International Tribunal (“Practice Direction”) provides that “the pre-trial briefs will not exceed 50 pages or 15,000 words, whichever is greater,”<sup>2</sup> and that a party “must seek authorisation in advance from the Chamber to exceed the page limits in this Practice Direction and must provide an explanation of the exceptional circumstances that necessitate the oversized filing,”<sup>3</sup>

**NOTING** that the reasons set out in the Motion for the request to exceed the page limit include, *inter alia*, the fact that the Prosecution pre-trial brief involves two accused and the crimes charged are “broad in both their temporal and geographic scope,”<sup>4</sup>

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<sup>1</sup> Motion, para. 9.

<sup>2</sup> Practice Direction, paras (C)(3)

<sup>3</sup> *Ibid*, (C)(7).

<sup>4</sup> Motion, para. 7.

**NOTING** that the pre-trial Judge, pursuant to Rule 65 *ter* of the Rules of Procedure and Evidence of the International Tribunal (“Rules”), ordered the Prosecution to file its pre-trial brief by Monday, 19 July 2004,<sup>5</sup>

**NOTING** that a date for the Defence of the two accused, to file their respective pre-trial briefs, has not been set by the pre-trial Judge,<sup>6</sup>

**CONSIDERING** that the present case is against two accused and that it covers crimes allegedly committed during a 4 year period in regions in Bosnia and Herzegovina, and Croatia,

**CONSIDERING** that it is necessary for the parties to have adequate time to produce their pre-trial briefs in preparation for trial,

**PURSUANT TO** Rules 54 and 65 *ter* of the Rules and the Practice Directions

**HEREBY GRANTS** the Motion and **ORDERS** as follows:

- (1) Prosecution shall file its pre-trial brief of no more than 100 pages by Monday, 19 July 2004; and
- (2) Defence of the two accused shall file their respective pre-trial briefs by Monday, 15 November 2004.

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



Patrick Robinson  
Presiding

Dated this sixteenth day of July 2004  
At The Hague  
The Netherlands

**[Seal of the Tribunal]**

<sup>5</sup> Status Conference (private session), 20 Jan. 2004, T. 59.

<sup>6</sup> The Defence was informed that they may expect a period of 3 months, from the filing of the Prosecution pre-trial brief, to file their respective pre-trial briefs.