

UNITED
NATIONS

IT-95-9-A
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International Tribunal for the
Prosecution of Persons
Responsible for Serious Violations of
International Humanitarian Law
Committed in the Territory of
Former Yugoslavia since 1991

Case No. IT-95-9-A
Date: 10 August 2004
Original: English

BEFORE THE PRE-APPEAL JUDGE

Before: Judge Mehmet Güney
Registrar: Mr. Hans Holthuis
Decision: 10 August 2004

BLAGOJE SIMIĆ

v.

THE PROSECUTOR

DECISION ON PROSECUTION'S MOTION FOR EXTENSION OF PAGES

The Office of the Prosecutor:

Mr. Norman Farrell

Counsel for the Appellant

**Mr. Igor Pantelić
Mr. Peter Murphy**

I, **MEHMET GÜNEY**, Judge of the Appeals 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,

BEING SEISED OF the “Prosecution’s Motion for Extension of Pages” (“Motion”) filed by the Prosecution on 27 July 2004;

NOTING that in paragraphs 1 and 2 of its Motion the Prosecution requests an extension of its Respondent’s Brief of 1,500 words or the equivalent of 5 pages in addition to that permitted under the Practice Direction on the Length of Briefs and Motions of 7 March 2002 (“Practice Direction”), stating that though the Prosecution is within the 100 page limit, it exceeds the 30,000 word limit by approximately 1,500 words;

NOTING that, in paragraph 9 of its Motion, the Prosecution makes a second request for leave to file a Respondent’s Brief of no more than 106 pages or 31,600 words, whatever is greater;

CONSIDERING that the Motion is unclear;

NOTING that Blagoje Simić has not responded to the Motion;

NOTING that the Respondent’s Brief of the Prosecution filed confidentially on 27 July 2004 is 95 pages, 99 pages including the contents and the glossary;

CONSIDERING that paragraph A. 1. b) of the Practice Direction provides that “[t]he response of an appellee on an appeal from a final judgement of a Trial Chamber will not exceed 100 pages or 30,000 words, whichever is greater”, or, in its French version, that “[l]a réponse d’un intimé, dans le cadre de l’appel contre le jugement final d’une Chambre de première instance, n’excède pas 100 pages ou 30 000 mots”;

FINDING that the Prosecution Respondent’s Brief, which is 95 pages, meets these criteria and must therefore be considered as validly filed;

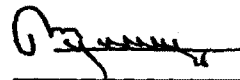
REMINDING the Prosecution that, under the Practice Direction, a party must seek authorization in advance from the Appeals Chamber to exceed the page limits;

HEREBY DECIDE not to consider the merits of the Motion as the matter is moot and the Respondent's Brief is validly filed.

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

Done this 10th day of August 2004,

At The Hague,
The Netherlands.



Mehmet Güney
Pre-Appeal Judge

Seal of the Tribunal