

**UNITED
NATIONS**



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-04-84-PT
Date: 6 September 2005
Original: English

IN TRIAL CHAMBER II

Before: Judge Hans Henrik Brydesholt, Pre-trial Judge

Registrar: Mr. Hans Holthuis

Decision of: 6 September 2005

PROSECUTOR

v.

**Ramush HARADINAJ
Idriz BALAJ
Lahi BRAHIMAJ**

**DECISION ON PROSECUTION'S APPLICATION FOR
AUTHORISATION TO EXCEED PAGE LIMIT**

The Office of the Prosecutor:

Ms. Carla Del Ponte
Mr. Marks Moore
Mr. Gilles Dutertre

Accused / Counsel for the Accused:

Ramush Haradinaj

Mr. Rodney Dixon
Mr. Ben Emmerson
Mr. Conor Gearty
Mr. Michael O'Reilly

Idriz Balaj

Mr. Gregor Guy-Smith

Lahi Brahimaj

Mr. Richard Harvey

I, Hans Henrik Brydesholt, Judge 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 (“Tribunal”):

NOTING the “Defence Motion on Behalf of Ramush Haradinaj to Request Re-Assessment of Conditions of Provisional Release Granted 6 June 2005” (“Defence Motion”), filed by counsel for Ramush Haradinaj on 15 August 2005;

NOTING that the United Nations Interim Administration Mission in Kosovo (“UNMIK”), upon request of the Trial Chamber, on 2 September 2005 provided additional information regarding the substance of the Defence Motion;

NOTING the “Urgent Requête du Procureur en vue de l’Autorisation d’Excéder le Nombre Limite de Pages Prévu Pour les Réponses” (“Prosecution Motion”), filed by the Office of the Prosecutor (“Prosecution”) on 5 September 2005, wherein the Prosecution requests to be authorised to submit a response to the Defence Motion consisting of 16 pages, the Prosecution thereby exceeding the page limit of 10 pages imposed by the Tribunal’s Practice Direction on the Length of Briefs and Motions (“Practice Direction”)¹;

NOTING that in support of its Motion, the Prosecution submits that the complexity of the issues raised in the Defence Motion and in the submission by UNMIK necessitate the oversized filing;²

NOTING that the Trial Chamber previously granted the request by the Prosecution for an extension of time until 12 September 2005 within which to file a response to the Defence Motion;³

CONSIDERING that, under paragraph 7 of the Practice Direction, the Trial Chamber may give authorisation to a party to exceed the specified page limit if the party

- (a) seeks authorisation in advance, and
- (b) provides an explanation of the exceptional circumstances that necessitate the oversized filing;

CONSIDERING that the Defence Motion consists of 10 pages and 3 attachments;

FINDING that the complexity of the Defence Motion and the relating submissions of UNMIK constitute exceptional circumstances that justify giving authorisation for an extension of the page limit;

¹ IT/184/Rev.1, issued on 5 March 2002.

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

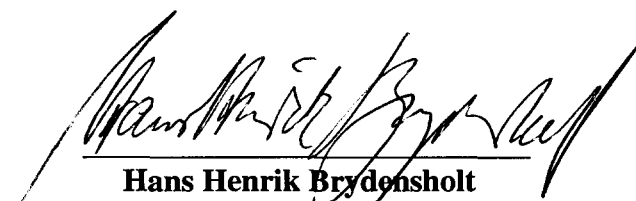
HEREBY GRANTS the Prosecution Motion.

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

Dated this sixth day of September 2005

At The Hague

The Netherlands



Hans Henrik Brydesholt
Pre-trial Judge

[Seal of the Tribunal]

² Application, paras 2-4.

³ Order on Application for Extension of Time, 31 August 2005.