

**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: 14 October 2005  
Original: English

**IN TRIAL CHAMBER II**

**Before: Judge Hans Henrik Brydesholt, Pre-trial Judge**

**Registrar: Mr. Hans Holthuis**

**Decision of: 14 October 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:**

Mr. Stefan Waespi  
Mr. Gilles Dutertre  
Mr. Philippe Vallieres-Roland

**Accused / Counsel for the Accused:**

Ramush Haradinaj

Idriz Balaj

Lahi Brahimaj

Mr. Ben Emmerson  
Mr. Rodney Dixon  
Mr. Conor Gearty  
Mr. Michael O'Reilly  
Mr. Gregor Guy-Smith  
Mr. Richard Harvey

**I, Hans Henrik Brydensholt**, 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 “Confidential Defence Motion on Behalf of Lahi Brahimaj for Provisional Release” (“Defence Motion”), filed by counsel for Lahi Brahimaj on 16 September 2005;

**NOTING** the “Scheduling Order Regarding Time of Filings concerning Lahi Brahimaj’s Motion for Provisional Release” issued on 26 September 2005;

**NOTING** the “Application for Extension of Time by the Defence for Lahi Brahimaj”, filed by counsel for Lahi Brahimaj on 5 October 2005;

**NOTING** the “Further Scheduling Order Regarding Time of Filings concerning Lahi Brahimaj’s Motion for Provisional Release” issued on 7 October 2005;

**NOTING** the “Defence Motion on Behalf of Lahi Brahimaj for Provisional Release” (“Supplementary Defence Motion”), filed by counsel for Lahi Brahimaj on 10 October 2005;

**NOTING** that the United Nations Interim Administration Mission in Kosovo (“UNMIK”), upon request of the Trial Chamber, on 11 October 2005 provided further 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 13 October 2005, wherein the Prosecution requests to be authorised to submit a response to the Defence Motion consisting of 12 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”)<sup>1</sup>;

**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;

**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

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

filing;

**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;

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

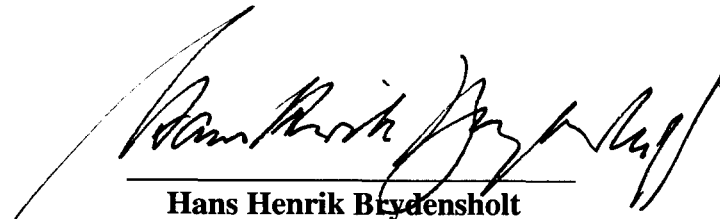
**HEREBY GRANTS** the Prosecution Motion.

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

Dated this fourteenth day of October 2005

At The Hague

The Netherlands



**Hans Henrik Brydensholt**  
Pre-trial Judge

[Seal of the Tribunal]