



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-04-83-PT
Date: 19 May 2006
Original: English

IN THE TRIAL CHAMBER

Before: Judge Krister Thelin, Pre-Trial Judge

Registrar: Mr. Hans Holthuis

Decision of: 19 May 2006

PROSECUTOR

v.

RASIM DELIĆ

DECISION ON MOTION TO EXCEED WORD LIMIT

The Office of the Prosecutor:

Mr. Daryl A. Mundis
Ms. Tecla Henry-Benjamin
Ms. Marie Tuma

Counsel for Rasim Delić:

Ms. Vasvija Vidović
Ms. Quincy Whittaker

I, KRISTER THELIN, 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 (the “Tribunal”),

HAVING BEEN APPOINTED a pre-trial Judge in this case by virtue of the Order of Trial Chamber III dated 16 May 2006,¹

NOTING that on 17 May the Defence filed a motion (“Motion”) seeking an extension of the word limit set forth in Practice Direction IT/184/Rev.2,²

NOTING that the extension is sought for a brief that the Defence intends to file in response to a Prosecution motion requesting that the Chamber allow it to amend the current indictment and replace it with a new one (the “Consolidated Amended Indictment”),³

NOTING that in its response to this motion, the Defence intends to (i) argue that proposed Consolidated Indictment fails to implement a prior order of the Trial Chamber requiring the Prosecution to cure defects in the form of the original indictment; (ii) respond to the request by the Prosecution for leave to amend the indictment, and (iii) argue that there are defects in the form of the proposed Consolidated Amended Indictment,

NOTING that the Defence argues that, although it is in the interest of judicial economy for “any challenges by the Defence to this consolidated amended indictment ... to be contained in a single Motion”,⁴ these challenges “encompass[] three distinct topics”⁵ and “it would not be in the interests of justice for judicial economy to be achieved at the expense of the Defence’s ability to properly challenge the Indictment faced by the Accused.”⁶

NOTING that, as a result, the Defence requests permission to file a brief that is 8,500 words in length,⁷

NOTING that the Practice Direction on the Length of Briefs and Motions of the Tribunal provides that a response shall not exceed 10 pages or 3,000 words, whichever is greater, and that a party

¹ Order Designating Composition of Trial Chamber and Designating a Pre-Trial Judge, 16 May 2006.

² Defence Motion to Exceed Word Limit in Consolidated Defence Response to Prosecution’s Submission of Proposed Second Amended Indictment and Application for Leave to Amend and Motion Alleging Defects in Amended Indictment Pursuant to Order of Trial Chamber, 17 May 2006.

³ Consolidated Amended Indictment, 8 May 2006.

⁴ Motion, para. 1.

⁵ *Id.* at para. 3.

⁶ *Id.* at para. 2.

⁷ *Id.* at para.4.

seeking authorisation to exceed this limit must do so in advance and “provide an explanation of the exceptional circumstances that necessitate the oversized filing,”⁸

CONSIDERING that, in a situation such as this, where the Defence has been ordered by the Chamber to consolidate what would ordinarily be several submissions into one, there are exceptional circumstances warranting an extension of the word limit ordinarily imposed for individuals motions and responses,

HEREBY GRANT, pursuant to Rule 54 of the Rules of Procedure and Evidence of the Tribunal, the Motion.

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



Judge Krister Thelin
Pre-Trial Judge

Dated this nineteenth day of May 2006
At The Hague
The Netherlands

[Seal of the Tribunal]

⁸ Practice Direction IT/184/Rev. 2 (16 September 2005), para. (C)(5).