

IT-00-39-T
D13705-D13703
16 AUGUST 2006

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UNITED
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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: IT-00-39-T

Date: 16 August 2006

Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, presiding
Judge Joaquín Martín Canivell
Judge Claude Hanoteau

Registrar: Mr Hans Holthuis

Decision of: 16 August 2006

PROSECUTOR

v.

MOMČILO KRAJIŠNIK

**REASONS FOR DECISION DENYING PROSECUTION'S REQUEST FOR LEAVE
TO EXCEED WORD LIMIT FOR FINAL TRIAL BRIEF**

Office of the Prosecutor

Mr Mark Harmon
Mr Alan Tieger

Counsel for the Defence

Mr Nicholas Stewart, QC
Mr David Josse

TRIAL CHAMBER I of the International Criminal Tribunal for the former Yugoslavia;

NOTING that on 11 August 2006 the Trial Chamber decided to deny the Prosecution's Request for Leave to Exceed Word Limit for Final Trial Brief and informed the parties accordingly, adding that reasons in writing would follow;¹

RECALLING paragraph (C)4 of the Practice Direction on the Length of Briefs and Motions which provides that final trial briefs must not exceed 60,000 words and paragraph (C)7 thereof which requires that a party seek authorization from the Trial Chamber in advance if it wishes to exceed the word limit and provide an explanation of the exceptional circumstances that necessitate the oversized filing;

RECALLING that the limit of 60,000 words for final trial briefs was included in the original Practice Direction on the Length of Briefs and Motions of 19 January 2001, and retained through two revisions of the Practice Direction, on 5 March 2002 and 16 September 2005;

CONSIDERING that the word limit set by the Practice Direction is for the purpose of judicial economy and was introduced and retained over a period of when complex cases were pending before the Tribunal which demonstrates that the word limit applies to cases of greater, as well as lesser, complexity;

CONSIDERING that the facts referred to in paragraph 5 of the Prosecution's Request do not constitute exceptional circumstances as envisaged by paragraph (C)7 of the Practice Direction since they merely show that this case is complex, not exceptionally complex;

CONSIDERING that the Prosecution has had ample time to present its case, both in the pre-trial brief and during the course of trial, and that it will have at least one day to present its closing oral arguments;

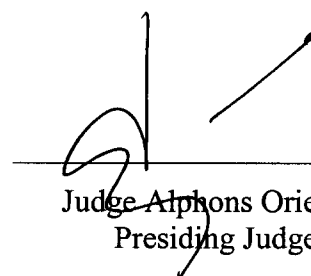
CONSIDERING that the Trial Chamber is best served by precision and conciseness in the parties' final trial briefs;

¹ On 9 August 2006, the Prosecution filed a Request for Leave to Exceed Word Limit for Final Trial Brief, in which it requested leave to file a final brief of up to 125,000 words due to the complexity of the case, the scale of the crimes alleged, and the extensive nature of the evidence. On 10 August 2006, the Defence filed its response, in which it opposed the Prosecution's request and argued that the circumstances of the case did not necessitate a final brief of up to 125,000 words and that it would be unfair to grant the Prosecution's request so close to the deadline for the filing of the parties' final briefs. On 11 August 2006, the Prosecution filed a Request for Leave to Reply and Proposed Reply Concerning Word Limit for Final Brief. The Trial Chamber, having decided to grant leave, took into account the additional submission.

FOR THE FOREGOING REASONS, the Trial Chamber,

DENIED the Request.

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



Judge Alphons Orie
Presiding Judge

Dated this 16th day of August 2006
At The Hague
The Netherlands

[Seal of the Tribunal]