



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-95-13/1-T
Date: 25 January 2007
Original: English

IT-95-13/1-T 8330
08330-08328 J/K
25 January 2007

IN TRIAL CHAMBER II

Before: Judge Kevin Parker, Presiding
Judge Christine Van Den Wyngaert
Judge Krister Thelin

Registrar: Mr Hans Holthuis

Decision: 25 January 2007

PROSECUTOR

v.

**MILE MRKŠIĆ
MIROSLAV RADIĆ
VESELIN ŠLJIVANČANIN**

**DECISION ON PROSECUTION'S MOTION FOR VARIATION
FROM WORD LIMIT IN FINAL TRIAL BRIEF**

The Office of the Prosecutor:

Mr Marks Moore
Mr Philip Weiner
Mr Vincent Lunny
Ms Meritxell Regue
Mr Alexis Demirdjian

Counsel for the Accused:

Mr Miroslav Vasić and Mr Vladimir Domazet for Mile Mrkšić
Mr Borivoje Borović and Ms Mira Tapušковиć for Miroslav Radić
Mr Novak Lukić and Mr Momčilo Bulatović for Veselin Šljivančanin

TRIAL CHAMBER II (“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 (“Tribunal”);

BEING SEIZED OF the “Prosecution Motion for Variation From the Word Limit in Final Trial Brief,” filed on 23 January 2007 (“Motion”), in which the Prosecution requests authorisation to exceed the word limits outlined in the Practice Direction on the Length of Briefs and Motions¹ (“Practice Direction”) for its Final Trial Brief;

NOTING that the Prosecution submits in its Motion that a trial with multiple accused presents a number of issues and difficulties that constitute exceptional circumstances with regard to the length of the final trial brief, namely, in this case, that the defences of each of the Accused are in some respects distinct and divisible, and thus necessitate extending the word limit of the Final Trial Brief;

CONSIDERING that upon request a Chamber may, where exceptional circumstances that necessitate the oversized filing have been shown by the moving party, extend the word limit imposed by the Practice Direction;²

CONSIDERING that in the view of the Chamber, in the present case, exceptional circumstances warranting variation from the word limit set by the Practice Direction have been demonstrated;

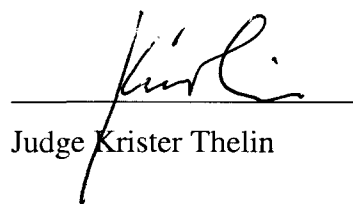
CONSIDERING that while the Prosecution seeks to rely on Clause (C)(1) of the Practice Direction and submits that in appeals from judgements in cases of more than one appellant an extension of one third of the word limit per appellant is automatically provided to the Prosecution, the Practice Direction provides for no such automatic increase with respect to final trial briefs in cases of more than one accused;

CONSIDERING further that while the Prosecution seeks to increase the word limit to 100,000 words, such an increase, in the view of the Chamber, will not serve the cause of an efficient administration of justice;

For the foregoing reasons and pursuant to Rule 54 of the Rules of Procedure and Evidence of the Tribunal and Clause (C)(7) of the Practice Direction;

HEREBY GRANTS the Motion in part and **ORDERS** the Prosecution to file a Final Trial Brief not exceeding 80,000 words.

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



Judge Krister Thelin

Dated this twenty-fifth day of January 2007
At The Hague
The Netherlands

[Seal of the Tribunal]

¹ IT/184/Rev. 2, 16 September 2005.

² Practice Direction, Clause (C)(7).