



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-03-69-PT

Date: 2 April 2007

Original: English

IN THE TRIAL CHAMBER

Before: Judge Frank Höpfel, Pre-Trial Judge

Registrar: Mr. Hans Holthuis

Decision of: 2 April 2007

PROSECUTOR

v.

**JOVICA STANIŠIĆ
FRANKO SIMATOVIĆ**

**DECISION ON REQUEST TO EXCEED WORD LIMIT FOR
CONSOLIDATED PRE-TRIAL BRIEF**

The Office of the Prosecutor

Ms. Brehmeier-Metz
Mr. Gregory Townsend

Counsel for Jovica Stanišić

Mr. Geert-Jan Alexander Knoops
Mr. Wayne Jordash

Counsel for Franko Simatović

Mr. Zoran Jovanović

I, Frank Höpfel, 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 (“International Tribunal”),

BEING SEIZED of the “Prosecution request to exceed word limit for consolidated pre-trial brief”, filed on 26 March 2007 (“Request”), whereby the Office of the Prosecutor (“Prosecution”) requests to exceed the maximum word limit for pre-trial briefs provided in the Tribunal’s Practice Direction on Length of Briefs and Motions (“Practice Direction”) with respect to its consolidated pre-trial brief (“Consolidated Pre-Trial Brief”) that it was instructed to file by no later than 2 April 2007,¹

REMINDING that the first Prosecution pre-trial brief was filed on 19 July 2004, and that a supplementary pre-trial brief was filed by the Prosecution on 7 April 2006,²

NOTING that the Practice Direction provides, *inter alia*, that pre-trial briefs will not exceed 15,000 words and that a party must seek authorization in advance from the Chamber to exceed the word limits in the Practice Direction and must provide an explanation of the exceptional circumstances that necessitate the oversized filing,³

NOTING that in its Request, the Prosecution submits that it needs to exceed the word limit of the Consolidated Pre-Trial Brief to 20,000 words as (1) this case involves two Accused (2) the Accused are alleged to have been members of a Joint Criminal Enterprise which is complex and vast in scope, and both Accused are charged with a high level of responsibility (3) the Accused are charged with crimes that are broad in both their geographic scope⁴ and their temporal scope,⁵ and (4) the two Prosecution pre-trial briefs that require consolidation amount to a total of 41,353 words,⁶

CONSIDERING that the reasons given for the variation of the word limit are sufficient to allow the Prosecution to file a Consolidated Pre-Trial brief not exceeding 20,000 words, and that a thorough and complete submission pursuant to Rule 65ter (E) of the Rules of Procedure and Evidence (“Rules”) will not result in any prejudice to the Defence,

¹ See Order establishing Work Plan, filed on 19 January 2007.

² Prosecution Pre-trial Brief, filed on 19 July 2004; Supplementary Pre-Trial Brief – Scorpions Video (with confidential Annex D), filed on 7 April 2006.

³ Articles 3 and 7 of the Practice Direction.

⁴ In Croatia: Serb Autonomous Region of Krajina, Serb Autonomous Region of Eastern Slavonia, Baranja, Western Srem; In Bosnia and Herzegovina: Bijeljina, Bosanski Šamac, Dobož, Sanski Most, Srebrenica/Trnovo, Zvornik.

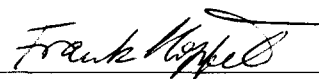
⁵ The indictment against the Accused covers a time period of over four years (from 1 August 1991 until 31 December 1995).

⁶ The first pre-trial brief, filed on 19 July 2004, contains 30,569 words; the supplementary pre-trial brief, filed on 7 April 2006, contains 10,784 words.

PURSUANT TO Rule 54 of the Rules and Article 7 the Practice Direction,

HEREBY GRANT the Request and **AUTHORIZE** the Prosecution to file a pre-trial brief not exceeding 20,000 words.

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



Judge Frank Höpfel
Pre-Trial Judge

Dated this second day of April 2007
At The Hague
The Netherlands

[Seal of the Tribunal]