



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-04-81-PT
Date: 24 July 2008
Original: English

IN THE TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding Judge
Judge Christine Van Den Wyngaert
Judge Bakone Justice Moloto

Registrar: Mr Hans Holthuis

Decision: 24 July 2008

PROSECUTOR

v.

MOMČILO PERIŠIĆ

PUBLIC

**DECISION ON DEFENCE REQUEST TO EXCEED WORD
LIMIT AND ADDENDUM TO DEFENCE OBJECTION TO
PROSECUTION'S MOTION FOR JUDICIAL NOTICE OF
FACTS AND DOCUMENTS RELEVANT TO THE ZAGREB
CRIME BASE, WITH CONFIDENTIAL ANNEXES**

The Office of the Prosecutor:

Mr Mark Harmon

Counsel for the Accused:

Mr James Castle
Mr Novak Lukić

TRIAL CHAMBER I (“Trial 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 SEISED of the “Request to Exceed Word Limit and Addendum to Defence Objection to Prosecution’s Motion for Judicial Notice of Facts and Documents Relevant to the Zagreb Crime Base, with Confidential Annexes”¹ (“Request”) filed publicly on 10 July 2008, whereby the Defence seeks leave to exceed the word limit prescribed by the Practice Direction on the Length of Briefs and Motions² (“Practice Direction”) to file an addendum to the “Defence Objection to Prosecution’s Motion for Judicial Notice of Facts and Documents Relevant to the Zagreb Crime Base, with Confidential Annexes”³ (“Defence Objection”);

NOTING that the Prosecution filed a response to the Request on 17 July 2008 requesting that the Chamber deny the Request;⁴

NOTING that the Request contains further objections to the “Motion for Judicial Notice of Facts and Documents Relevant to Zagreb Crime Base, with Confidential Annexes”⁵ (“Prosecution’s Motion”);

NOTING the Defence submission that the Prosecution’s Motion should be denied because the Prosecution has filed out of time, *i.e.*, over 15 months after the deadline of 19 March 2007 set by the Pre-Trial Chamber for filing of such motions and because the Prosecution has not yet disclosed documents to the Defence which form part of the Prosecution’s Motion;

NOTING further that Defence Counsel, in his communication with the Chamber’s legal staff, has conceded that the relevant documents were in fact disclosed to the Defence in 2007;⁶

NOTING the Prosecution’s submission that the Defence has shown no exceptional circumstances which would justify an oversized filing;⁷

¹ Request to Exceed Word Limit and Addendum to Defence Objection to Prosecution’s Motion for Judicial Notice of Facts and Documents Relevant to the Zagreb Crime Base, with Confidential Annexes, 10 July 2008.

² IT/184/Rev.2, 16 September 2005.

³ Defence Objection to Prosecution’s Motion for Judicial Notice of Facts and Documents Relevant to the Zagreb Crime Base, with Confidential Annexes, 10 July 2008 (confidential).

⁴ Request for Leave to Reply to (1) Defence Response to Prosecution Motion for Judicial Notice of Facts and Documents Relevant to the Zagreb Crime Base and (2) Defence Request to Exceed Word Limit and Addendum (“Prosecution’s Response”), 17 July 2008.

⁵ Motion for Judicial Notice of Facts and Documents Relevant to the Zagreb Crime Base, with Confidential Annexes, 27 June 2008.

⁶ E-mail dated 11 July 2008.

⁷ Prosecution’s Response, para 3.

NOTING that, according to the Practice Direction, 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;⁸

CONSIDERING that the Defence has not submitted anything at all in respect of what may constitute “exceptional circumstances”;

CONSIDERING, therefore, 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 not been demonstrated;

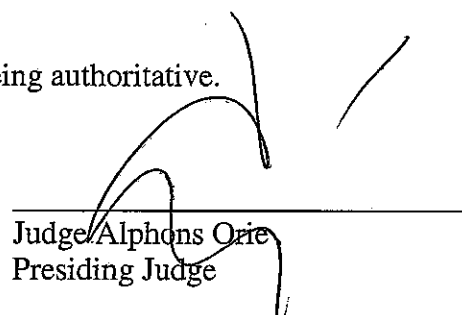
NOTING, further, that, on 22 July 2008, the parties submitted a joint submission in which the Defence declares that “it does not oppose judicial notice being taken of all the facts set forth in Amended Confidential Annex A” to the Joint Submission;⁹

CONSIDERING, therefore, that by the Joint Submission, the Defence has rendered their submissions in this Request moot with respect to the Prosecution’s Motion, Confidential Annex A;

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 DENIES the Request.

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



Judge Alphons Orie
Presiding Judge

Dated this twenty-fourth day of July 2008
At The Hague
The Netherlands

[Seal of the Tribunal]

⁸ Practice Direction, Clause (C) (7).

⁹ Parties Joint Submission in Respect of Facts Relevant to the Zagreb Crime Base With Amended Confidential Annex A (“Joint Submission”), 22 July 2008. The “Amended Confidential Annex A” includes two additional facts to the “Confidential Annex A” attached to the Prosecution’s Motion. In this Joint Submission, the parties request that the Trial Chamber take judicial notice of the facts set forth in Amended Confidential Annex A. The Chamber notes, however, that the Joint Submission does not deal with Confidential Annex B to the Prosecution’s Motion.