

IT-03-69-PT
D16495-D16493
30 MARCH 2009

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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 No. IT-03-69-PT
Date: 30 March 2009
Original: English

IN TRIAL CHAMBER I

Before: Judge Alphons Orie, Presiding
Judge Flavia Lattanzi
Judge Michèle Picard

Acting Registrar: Mr John Hocking

Decision of: 30 March 2009

PROSECUTOR

v.

JOVICA STANIŠIĆ
and
FRANKO SIMATOVIĆ

PUBLIC

DECISION ON PROSECUTION REQUEST FOR LEAVE TO EXCEED WORD
LIMIT

Office of the Prosecutor

Mr Dermot Groome
Ms Doris Brehmeier-Metz

Counsel for Jovica Stanišić

Mr Geert-Jan Alexander Knoops
Mr Wayne Jordash

Counsel for Franko Simatović

Mr Zoran Jovanović
Mr Vladimir Domazet

Procedural History and Submissions

1. On 10 March 2009, the Prosecution filed a request for leave to exceed the word limit in a forthcoming motion on the state of health of the Accused Stanišić and the Chamber's reassessment thereof.¹ It submitted that the question of whether and how it can be ascertained that the Accused Stanišić will stand trial is complex and requires detailed analysis.² The Prosecution further stated that it deems it necessary to comprehensively rearticulate its position in light of previous litigation on the state of health of the Accused Stanišić rather than incorporating the procedural history by reference.³ In that respect, it also drew attention to the fact that the composition of the Trial Chamber has changed since the time of the earlier litigation.⁴

2. On 11 March 2009 at a status conference, the Stanišić Defence conceded to the fact that matters concerning the health of the Accused are complex but while urging for brevity and expressing that a procedural history summary would be superfluous, did not object to the Request.⁵ The Simatović Defence also did not object to the Request.⁶

Discussion

3. The Prosecution has not clearly specified the areas in its forthcoming motion which it considers to be in need of elaboration beyond the word limit. The Chamber in this regard reminds the Prosecution of what it already stated at the status conference on 11 March 2009, that it is aware of the procedural history relating to the state of health of the Accused Stanišić, and although the composition of the Chamber has changed, does not need the previous health litigation repeated in a motion.⁷ Further, the Chamber does not deny the complexity of the matter, but considers that whatever is to be addressed in the Prosecution's motion can be sufficiently dealt with in the confines of the established word limit. However, recognising that the areas in which the Prosecution would like to elaborate remain unclear at this point, the Chamber leaves open the possibility to invite the Prosecution to supplement the motion if further clarification is needed. In that respect, the Chamber invites the Prosecution to indicate

¹ Prosecution Request for Leave to Exceed the Word Limit, 10 March 2009 ("Request"), paras 1, 3-4.

² *Ibid.*, para. 3.

³ *Ibid.*

⁴ *Ibid.*

⁵ T. 1318, 1321.

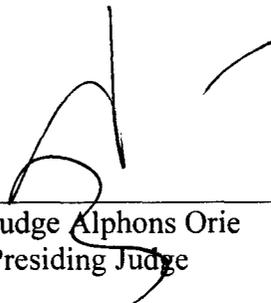
⁶ T. 1319.

in their forthcoming motion specifically which areas it intended to further elaborate on, so that the Chamber has a better understanding of the Prosecution's intentions and can consider whether further clarification is needed.

Disposition

4. For the foregoing reasons, the Chamber **DENIES** the Request.

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



Judge Alphons Orié
Presiding Judge

Dated this thirtieth day of March 2009
At The Hague
The Netherlands

[Seal of the Tribunal]

⁷ T. 1322.