



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-05-88/2-PT

Date: 17 April 2009

Original: English

IN TRIAL CHAMBER II

Before: Judge Kimberly Prost, Pre-Trial Judge
Acting Registrar: Mr. John Hocking
Decision of: 17 April 2009

PROSECUTOR

v.

ZDRAVKO TOLIMIR

PUBLIC

**DECISION ON PROSECUTION'S REQUEST RELATING TO THE
LENGTH OF THE PRE-TRIAL BRIEF**

Office of the Prosecutor
Mr. Peter McCloskey

The Accused
Zdravko Tolimir

I, **KIMBERLY PROST**, 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 (“Tribunal”);

BEING SEISED OF the “Prosecution Filing of Pre-Trial Brief Pursuant to Rule 65 *ter* (E)”, filed under seal on 28 November 2008 (“Prosecution Pre-Trial Brief”), in which the Prosecution seeks leave to exceed the word limit for the Brief (“Request”);¹

NOTING that the Prosecution argues that the Prosecution Pre-Trial Brief addresses a complex factual background and discusses numerous legal issues concerning the Accused, including the involvement of other members of the Joint Criminal Enterprise through which the Accused has been charged; and that therefore limiting the discussion and analysis of the facts and legal issues to 15,000 words would result in an incomplete Brief and would deprive the Trial Chamber of all relevant information necessary;²

NOTING the “Order Regarding Response to Request of the Prosecution Relating to the Length of the Pre-Trial Brief”, filed on 2 March 2009, in which the Accused was ordered to submit a response, if any, to the Request within seven days of the date on which the Accused received the BCS version of the Prosecution Pre-Trial Brief;

NOTING that the BSC version of the Prosecution’s Pre-Trial Brief was filed on 30 March 2009;

NOTING the “Zdravko Tolimir’s Response to the Request of the Prosecution Relating to the Length of the Pre-Trial Brief”, submitted in BCS on 6 April 2009 and filed in English on 16 April 2009 (“Response”);

NOTING that the Accused submits that the Prosecution’s Pre-Trial Brief is not in a proper form and its length corresponds to the that of a final brief; that the Prosecution should have sought leave to exceed the word limit for the Brief earlier; and that the Accused should be similarly granted leave to exceed the word limit for his pre-trial brief to the same extent;³

CONSIDERING the nature of the case and the fact that the more detailed brief is beneficial to the Accused and to the Trial Chamber;

NOTING that the Accused may similarly bring an application for an extension of the word limit for his pre-trial brief, which will be given favourable consideration;


¹ Prosecution Pre-Trial Brief, para. 2.

² *Ibid.*

PURSUANT TO Rule 54 of the Rules,

HEREBY GRANT the Request.

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

A handwritten signature in black ink, appearing to read 'K. Prost', is written over a horizontal line.

Kimberly Prost
Pre-Trial Judge

Dated this seventeenth day of April 2009
At The Hague
The Netherlands

[Seal of the Tribunal]

³ Response, paras. 4–7.