

UNITED
NATIONS



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: 25 November 2009

Original: English

IN TRIAL CHAMBER II

Before: Judge Kimberly Prost, Pre-Trial Judge

Registrar: Mr. John Hocking

Order/ Decision of: 25 November 2009

PROSECUTOR

v.

ZDRAVKO TOLIMIR

PUBLIC

**DECISION ON THE REQUESTS CONTAINED IN THE
ACCUSED'S 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 “Zdravko Tolimir’s Submission with a Pre-Trial Brief Pursuant to Rule 65 *ter*(F) and Notification of the Defence of Alibi in Respect of Some Charges” (“Accused’s Pre-Trial Brief”), submitted on 30 September 2009 and filed publicly on 28 October 2009, in which the Accused seeks leave to exceed the word limit (“Request”);¹

NOTING that the Accused also submits several other requests in the Accused’s Pre-Trial Brief, but they are entirely outside the framework of the Rules of Procedure and Evidence (“Rules”);

NOTING that at the status conference held on 27 February 2009, in relation to the Prosecution’s request to exceed the word limit in its Pre-Trial Brief, the Accused submitted only that should the Prosecution’s request be granted, he too should be permitted to exceed the word limit;²

NOTING that in its “Decision on Prosecution’s Request Relating to the Length of the Pre-Trial Brief”, issued on 17 April 2009, the Chamber held that in light of “the nature of the case ... [a] more detailed brief is beneficial to the Accused and to the Trial Chamber”, granted the Prosecution’s request to exceed the word limit, and indicated that the Accused “[might] similarly bring an application for an extension of the word limit for his pre-trial brief, which [would] be given favourable consideration”;³

CONSIDERING, therefore, that it would be in the interests of justice to permit the Accused to exceed the word limit;

¹ Accused’s Pre-Trial Brief, p. 2.

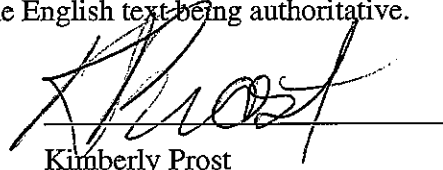
² T. 235 (27 February 2009).

³ Decision on Prosecution’s Request Relating to the Length of the Pre-Trial Brief, 17 April 2009, p. 2.

PURSUANT to Rule 54 of the Rules;

HEREBY GRANT the Request.

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



Kimberly Prost
Presiding and Pre-Trial Judge

Dated this 25th day of November 2009
At The Hague
The Netherlands

[Seal of the Tribunal]