



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-00-39 & 40-PT

Date: 16 April 2002

Original: ENGLISH

IN THE TRIAL CHAMBER

Before: Judge Richard May, Pre-Trial Judge

Registrar: Mr. Hans Holthuis

Decision of: 16 April 2002

PROSECUTOR

v.

**MOMČILO KRAJIŠNIK
&
BILJANA PLAVŠIĆ**

**DECISION ON PROSECUTION SECOND MOTION FOR EXTENSION OF
LIMIT OF LENGTH OF PRE-TRIAL BRIEF**

Office of the Prosecutor:

Mr. Mark Harmon
Mr. Alan Tieger

Counsel for the Accused:

Mr. Deyan Brashich and Mr. Nikola Kostich, for Momčilo Krajišnik
Mr. Robert J. Pavich, Mr. Eugene O'Sullivan and Mr. Peter Murphy, for Biljana Plavšić

I, RICHARD MAY, Pre-Trial Judge of Trial Chamber III 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 SEISED of the “Prosecution’s Second Motion for Extension of Limit of Length of Pre-Trial Brief”, filed by the Office of the Prosecutor (“Prosecution”) on 26 March 2002 (“the Motion”), in which it seeks permission to file a pre-trial brief of 200 pages plus appendices of 1,700 pages, to include the list of witnesses and summary of testimony and the list of exhibits required pursuant to Rule 65 *ter* (E) of the Rules of Procedure and Evidence of the International Tribunal (“Rules”),

NOTING the “Krajišnik Defense Response to Prosecution’s Motion for Extension of Limit of Pre-Trial Brief”, filed on 2 April 2002, in which the Krajišnik Defence does not object to the Motion,

NOTING that the “Practice Direction on the Length of Briefs and Motions” (“the Practice Direction”) issued by the President of the International Tribunal on 19 January 2001, as revised on 5 March 2002, requires that a party must seek authorisation in advance from the Chamber to exceed the page limits set down in the Practice Decision and must provide an explanation of the exceptional circumstances that necessitate the oversized filing,

NOTING the Order of 27 July 2001 in which I authorised the Prosecution to file a pre-trial brief of no more than 100 pages and appendices of no more than 450 pages, on the grounds that an exceptionally broad range of crimes are alleged to have been committed by the accused in the present proceedings, that the accused are alleged to have held high levels of responsibility, and that the case is complex,

CONSIDERING the reasons stated by the Prosecution for a further extension of the length of the pre-trial brief, namely the exceptionally complex nature of the case and the desire of the Prosecution to provide an adequate summary of the evidence, so as to obviate any need for the provision of further and better particulars,

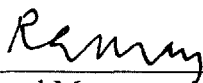
CONSIDERING also that the list of witnesses and summary of testimony and the list of exhibits required pursuant to Rule 65 *ter* (E) of the Rules are not subject to the provisions of the Practice Direction,

FINDING that exceptional circumstances exist that justify a further increase in the length of the pre-trial brief,

PURSUANT TO Rules 65 *ter* and 73 of the Rules of Procedure and Evidence of the International Tribunal,

HEREBY GRANT permission for the Prosecution to file a pre-trial brief of no more than 200 pages, and appendices of no more than 150 pages.

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



Richard May
Pre-Trial Judge

Dated this sixteenth day of April 2002
At The Hague
The Netherlands

[Seal of the Tribunal]