

**UNITED
NATIONS**



Mechanism for International Criminal Tribunals

Case No.: MICT-13-55-A

Date: 8 September 2016

Original: English

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Pre-Appeal Judge

Registrar: Mr. John Hocking

Decision of: 8 September 2016

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**DECISION ON A MOTION
FOR AN EXTENSION OF A WORD LIMIT**

The Office of the Prosecutor:

Mr. Serge Brammertz
Ms. Laurel Baig
Ms. Barbara Goy
Ms. Katrina Gustafson

Counsel for Mr. Radovan Karadžić:

Mr. Peter Robinson

I, **THEODOR MERON**, Judge of the Appeals Chamber of the International Residual Mechanism for Criminal Tribunals (“Mechanism”) and Pre-Appeal Judge in this case;¹

NOTING the judgement issued in this case by the Trial Chamber of the International Criminal Tribunal for the former Yugoslavia (“ICTY”) on 24 March 2016;²

NOTING the notices of appeal filed by Mr. Radovan Karadžić (“Karadžić”) and the Prosecution on 22 July 2016;³

NOTING the extension of time granted by the Appeals Chamber in this case for filing the appeal briefs no later than 5 December 2016;⁴

BEING SEISED OF the “Motion for Extension of Word Limit”, filed by Karadžić on 2 September 2016 (“Motion”) in which he requests an extension of the word limit for his appeal brief from 30,000 to 75,000 words;⁵

NOTING Karadžić’s submission that exceptional circumstances exist warranting the requested extension given the unprecedented breadth and complexity of this case, the prodigious volume of the trial record, the length of the Trial Judgement, which is the longest ever issued by an international criminal tribunal, the numerous and complex appellate legal issues, and the factual issues related to Karadžić’s responsibility under four separate joint criminal enterprises;⁶

NOTING Karadžić’s submission that analogous extensions of word limits were granted by the ICTY in complex cases⁷ and that the requested extension reflects his estimates as to the length of the various sections of his appeal brief;⁸

¹ Order Assigning Judges to a Case Before the Appeals Chamber, 20 April 2016; Order Assigning a Pre-Appeal Judge, 21 April 2016.

² *Prosecutor v. Radovan Karadžić*, Case No. IT-95-5/18-T, Public Redacted Version of Judgement Issued on 24 March 2016, 24 March 2016 (“Trial Judgement”).

³ Radovan Karadžić’s Notice of Appeal, 22 July 2016 (public with a confidential annex); Prosecution’s Notice of Appeal, 22 July 2016.

⁴ Decision on a Joint Motion for Extension of Time to File Appeal and Response Briefs, 9 August 2016, pp. 2, 3.

⁵ Motion, paras. 1, 9.

⁶ Motion, para. 3.

⁷ Motion, paras. 4, 5. In particular, Karadžić submits that in the *Prlić et al.* case each of the six appellants was allowed to file an appeal brief of 50,000 words, in the *Popović et al.* case each appellant was allowed to file an appeal brief of 40,000 words and in the *Šainović et al.* case two appellants were allowed to file a 45,000-word appeal brief while the other appellant was allowed to submit a 60,000-word appeal brief. See Motion, para. 4, referring to *Prosecutor v. Jadranko Prlić et al.*, Case No. IT-04-74-A, Decision on Appellants’ Requests for Extension of Time and Word Limits, 9 October 2014; *Prosecutor v. Vujadin Popović et al.*, Case No. IT-05-88-A, Decision on Motions for Extension of Time and for Permission to Exceed Word Limitations, 20 October 2010; *Prosecutor v. Nikola Šainović et al.*, Case No. IT-05-87-A, Decision on Defence Motions for Extension of Word Limit, 8 September 2009. He also submits that “[t]he request for 75,000 words [...] is in line with these precedents given that he has to brief 50 grounds of appeal and is a single accused, thus not benefiting from the ability to divide the issues with co-accused”. See Motion, para. 5.

NOTING Karadžić's submission that the Prosecution should be granted the same extension of the word limit for its response brief;⁹

NOTING that the Prosecution has not yet filed a response to the Motion;

RECALLING that, pursuant to paragraphs 6(a) and 7 of the Practice Direction on Lengths of Briefs and Motions, an appellant's and a respondent's briefs in an appeal from a trial judgement should not exceed 30,000 words where the appeal is not restricted to sentencing issues;¹⁰

RECALLING that, pursuant to paragraph 17 of the Practice Direction, a party must seek advance authorization to exceed the word limits set out in the Practice Direction, and must provide an explanation of the exceptional circumstances that necessitate the oversized filing;

RECALLING FURTHER that, pursuant to the same paragraph of the Practice Direction, a judge may dispose of a motion for an extension of a word limit without hearing the other party unless it is considered that there is a risk that the other party may be prejudiced;

EMPHASIZING that the quality and effectiveness of an appeal brief do not depend on its length, but on the clarity and cogency of the arguments presented and that, therefore, excessively long briefs do not necessarily facilitate the efficient administration of justice;¹¹

CONSIDERING, however, that it is in the interests of justice to ensure that parties in proceedings before the Mechanism can prepare meaningful appeal briefs in full conformity with the relevant provisions;¹²

FINDING that the length and complexity of the Trial Judgement, the voluminous trial record, and the scope of the grounds of appeal constitute exceptional circumstances which justify granting the requested extension of the word limit for Karadžić's appeal brief;

FINDING FURTHER that it is in the interests of justice to grant the Prosecution an equivalent extension of the word limit for its response brief;

⁸ Motion, paras. 6-8.

⁹ Motion, paras. 1, 9.

¹⁰ Practice Direction on Lengths of Briefs and Motions, MICT/11, 6 August 2013 ("Practice Direction").

¹¹ *Prosecutor v. Jovica Stanišić and Franko Simatović*, Case No. IT-03-69-A, Decision on Stanišić's Urgent Request for Extension of Word Limit, 31 October 2013 ("*Stanišić and Simatović* Decision of 31 October 2013"), p. 2; *Georges A.N. Rutaganda v The Prosecutor*, Case No. IT-96-03-R68, Decision on Motion for Leave to Exceed the Word Limit, 23 February 2010, p. 2.

¹² See Decision on a Joint Motion for Extension of Time to File Appeal and Response Briefs, p. 2; *Stanišić and Simatović* Decision of 31 October 2013, p. 3; *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-A, Decision on Motion for Setting a Time Limit for Filing an Appellant's Brief and for an Extension of Word Limit, 17 May 2013, p. 3.

CONSIDERING therefore that granting Karadžić's request does not prejudice the Prosecution;

PURSUANT TO Rules 55, 131, and 135 of the Rules of Procedure and Evidence of the Mechanism;

HEREBY GRANT the Motion;

AUTHORIZE Karadžić to file an appellant's brief not exceeding 75,000 words and emphasize that the appellant's brief is due no later than 5 December 2016; and

AUTHORIZE the Prosecution to file a respondent's brief not exceeding the length of Karadžić's appeal brief.

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

Done this 8th day of September 2016,
At The Hague,
The Netherlands



Judge Theodor Meron
Pre-Appeal Judge

[Seal of the Mechanism]