

**MECHANISM FOR INTERNATIONAL CRIMINAL TRIBUNALS**

CASE No. MICT-13-55-A

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron  
Judge William Hussein Sekule  
Judge Vagn Prusse Joensen  
Judge Jose Ricardo de Prada Solaesa  
Judge Graciela Susana Gatti Santana

Registrar: Mr. John Hocking

Date Filed: 2 September 2016

THE PROSECUTOR

v.

RADOVAN KARADZIC

*Public*

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MOTION FOR EXTENSION OF WORD LIMIT

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Office of the Prosecutor:

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

Counsel for Radovan Karadzic

Mr. Peter Robinson

1. Radovan Karadzic respectfully moves for an extension of the word limit for his appeal brief from 30,000 to 75,000 words. He agrees that the Prosecution should also be granted an extension for an equal number of words for its response brief.

2. The MICT *Practice Direction on Length of Briefs and Motions* (6 August 2013) provides that the Appellant's brief in an appeal from a final judgment of a Trial Chamber shall not exceed 30,000 words.<sup>1</sup> It further provides a party may exceed the word limits, with leave, upon a showing of exceptional circumstances that necessitate the oversized filing.<sup>2</sup>

3. President Karadzic contends that exceptional circumstances exist necessitating an extension of the word limit for his appeal brief. The exceptional nature of his appeal has already been recognized by the Appeals Chamber when granting an extension of time for the filing of the appeal brief. The Chamber accepted the parties submissions that the case is of unprecedented breadth and complexity, involves a prodigious amount of evidence on the trial record, involved the longest trial judgement ever issued by an international criminal tribunal, includes appellate legal issues that are complex and wide-ranging and factual issues related to President Karadzic's responsibility for four separate joint criminal enterprises.<sup>3</sup>

4. The ICTY has recognized that extensions of the word limits in complex appeals are warranted. In the *Prlic* case, each of the six appellants was allowed to file an opening brief of 50,000 words and the Prosecution was allowed to file a 300,000-word response brief.<sup>4</sup> In the *Popovic* case, each of the five appellants was allowed to file a 40,000 word brief and the Prosecution was allowed to file a 190,000-word response.<sup>5</sup> In the *Sainovic* case, two of the three appellants who sought an extension of the word limits were allowed to file a 45,000-word brief while the other appellant was given 60,000 words in light of the fact that he had 34 grounds of appeal. The Prosecution was given an equal amount of words for its response.<sup>6</sup>

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<sup>1</sup> para. 6

<sup>2</sup> para. 17

<sup>3</sup> *Decision on a Joint Motion for an Extension of Time to File Appeal and Response Briefs* (9 August 2016), pp. 1-2

<sup>4</sup> *Decision on Appellants' Request for Extension of Time and Word Limits* (9 October 2014)

<sup>5</sup> *Decision on Motions for Extension of Time and for Permission to Exceed Word Limitations* (20 October 2010)

<sup>6</sup> *Decision on Defence Motion for Extension of Word Limit* (8 September 2009)

5. The request for 75,000 words by President Karadzic is in line with these precedents given that he has to brief 50 grounds of appeal and is a single accused, thus not benefitting from the ability to divide the issues with co-accused and have a combined word limit of 300,000 (*Prlic*), 200,000 (*Popovic*) or 240,000 words (*Sainovic*).<sup>7</sup>

6. The 75,000-word figure has not been arrived at in a vacuum. Dr. Karadzic's counsel has waited until he has been able to produce drafts of some of the sections of his brief to determine how many words would be needed. From this experience, he has seen that he can produce a tight, narrowly-argued draft with an average of 1,500 words per issue.

7. The issues vary in complexity and some grounds will be considerably longer than others. Of the drafts produced so far, for example, the issue of the denial of President Karadzic's right to self representation (ground 1) is briefed in 1200 words, while the issue of disclosure violations (ground 6), which involved more than 100 motions, is briefed in 6500 words. The complicated issue of adjudicated facts (ground 7) is briefed in 2500 words while the straightforward issue of the denial of cross examination of a Rule 92 bis witness (Ground 10) has required only 650 words.

8. Defence counsel fully understands and endorses the Appeals Chamber's guidance that the quality and effectiveness of an appellant's brief does not depend upon length, but upon the clarity and cogency of the arguments presented. He is endeavoring to produce a clear and cogent brief with a minimum number of words. Given his experience in this and other cases,<sup>8</sup> he believes that he can do that in 75,000 words.

9. Therefore, it is respectfully requested that the word limit for President Karadzic's appeal brief, and the prosecution's response, be extended to 75,000 words.

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<sup>7</sup> Three appellants in that case did not seek an extension of the word limits. (3 x 30,000 + 2 x 45,000 + 60,000 = 240,000 words)

<sup>8</sup> Counsel did not seek an extension of the word limit when representing the Appellant Ojdanic in the *Sainovic* case.

Word count: 849

Respectfully submitted,

A handwritten signature in black ink, reading "Peter Robinson". The signature is written in a cursive style with large, overlapping loops for the letters.

PETER ROBINSON

Counsel for Radovan Karadzic