



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: IT-03-67-AR73.3  
Date: 27 September 2006  
Original: English

**BEFORE THE APPEALS CHAMBER**

**Before:** Judge Fausto Pocar, Presiding  
Judge Mohamed Shahabuddeen  
Judge Mehmet Güney  
Judge Andréia Vaz  
Judge Theodor Meron

**Registrar:** Mr. Hans Holthuis

**Decision of:** 27 September 2006

**PROSECUTOR**

v.

**VOJISLAV ŠEŠELJ**

**DECISION ON EXTENSION OF WORD LIMITS**

**Office of the Prosecutor**

Ms. Hildegard Uertz-Retzlaff  
Mr. Daniel Saxon  
Mr. Ulrich Müssemer  
Ms. Melissa Pack

**Former Stand-by Counsel**

Mr. Tjarda Eduard van der Spoel

**Assigned Counsel**

Mr. David Hooper  
Mr. Andreas O'Shea

**The Accused**

Mr. Vojislav Šešelj

**THE APPEALS CHAMBER** 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 (“Appeals Chamber” and “International Tribunal”, respectively),

**NOTING** that it is presently seized with the interlocutory “Appeal Against the Trial Chamber’s Decision on Assignment of Counsel” filed by Mr. Tjarda Eduard van der Spoel, former Standby Counsel acting on behalf of Vojislav Šešelj (“Acting Counsel”), on 4 September 2006 (“Appeal”);

**NOTING** the “Prosecution’s Response to Appeal Against the Trial Chamber’s Decision on Assignment of Counsel” filed on 13 September 2006 (“Response”), which constitutes 11,136 words and is 2,136 words over the 9,000 word limit for response briefs in interlocutory appeals pursuant to the Practice Direction on the Length of Briefs and Motions (“Practice Direction”);<sup>1</sup>

**NOTING** Acting Counsel’s “Reply to the Prosecution’s Response to Appeal Against the Trial Chamber’s Decision on Assignment of Counsel” filed on 18 September 2006 (“Reply”), wherein Acting Counsel submits that the Response is not in compliance with the Practice Direction, notes that the Prosecution did not request leave to exceed the applicable word limit, and requests that the Appeals Chamber reject or dismiss, or otherwise appropriately deal with the Response;<sup>2</sup>

**NOTING** the Prosecution’s “Further Addendum to Prosecution Response to Appeal Against the Trial Chamber’s Decision on Assignment of Counsel” filed on 18 September 2006 (“Further Addendum”), wherein the Prosecution notes that in error, it failed to include a paragraph in its Response<sup>3</sup> with respect to seeking authorization to exceed the word limit and submits an additional paragraph seeking such authorization to be included with the Response;<sup>4</sup>

**NOTING** that the Prosecution submits that “exceptional circumstances” warrant its oversized Response in that the Appeal “raises an issue of enormous importance to the future conduct of this trial” and “[e]ach of the issues of law and fact raised have required a detailed response to this filing”;<sup>5</sup>

<sup>1</sup> IT/184/Rev. 2, 16 September 2005. *See* subpara. (C)2(2).

<sup>2</sup> Reply, para. 3.

<sup>3</sup> The Appeals Chamber has been informed by the Registry that the Prosecution filed its Further Addendum prior to being served with Acting Counsel’s Reply raising the Prosecution’s error that same day.

<sup>4</sup> Further Addendum, para. 1.

<sup>5</sup> *Ibid.*

**CONSIDERING** that pursuant to the Practice Direction, “[a] party must seek authorization in advance from the Chamber to exceed the word limits” and, in doing so, “must provide an explanation of the exceptional circumstances that necessitate the oversized filing”;<sup>6</sup>

**FINDING** that the Prosecution has neither sought authorization for its over-sized Response in advance nor sufficiently demonstrated that it needs 11,136 words to fully respond to the arguments on fact and law raised in the Appeal;

**FINDING** however, that it is in the interest of an expedient disposal of this Appeal and fairness to Šešelj that Acting Counsel be given the opportunity to re-file his Reply exceeding the 3,000 word-limit, if he deems it necessary, in order to be able to fully respond to the Prosecution’s arguments raised in its over-sized Response;

On the basis of the foregoing, **HEREBY**:

**GRANTS** the Prosecution’s request for authorization to exceed the word limit for responses in interlocutory appeals;

**INVITES** Acting Counsel to re-file a reply if he deems it necessary to the Response, not exceeding 3,750 words no later than four (4) days from the date of this Decision; and

**EMPHASIZES** that in the future, the Prosecution, as well as the Defence, should comply strictly with all word limits.

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

Dated this 27th day of September 2006,

At The Hague,

The Netherlands.



Judge Fausto Pocar

Presiding Judge

**[Seal of the International Tribunal]**

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<sup>6</sup> Practice Direction, subpara. (C)7.