



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-95-11-A
Date: 21 September 2007
Original: English

BEFORE THE APPEALS CHAMBER

Before: Judge Fausto Pocar, Presiding
Judge Mohamed Shahabuddeen
Judge Andréia Vaz
Judge Theodor Meron
Judge Wolfgang Schomburg

Registrar: Mr. Hans Holthuis

Decision of: 21 September 2007

PROSECUTOR

v.

MILAN MARTIĆ

Public

**DECISION ON MOTION FOR EXTENSION OF TIME AND ENLARGEMENT OF
WORD LIMIT**

Counsel for the Appellant:

Mr. Predrag Milovančević
Mr. Nikola Perović

The Office of the Prosecutor:

Ms. Michelle Jarvis

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1. 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) is seized of the “Appellant’s Motion for Extension of Time to File an Appellant Brief and for Enlargement of Word Limit”, filed on 13 September 2007 (“Motion”) by Counsel for Milan Martić (“Appellant”).

2. In the Motion, Counsel seeks an extension of time for the filing of the Appellant’s Brief in accordance with Rule 127 of the Rules of Procedure and Evidence of the International Tribunal (“Rules”) until 15 October 2007, should the translation of the Judgement¹ become available before 25 September 2007 or, if not, within 15 days of the date on which the translated Judgement is made available to the Appellant.²

3. In support of the Motion, Counsel states that good cause for the extension of time exists because the Judgement has yet to be translated into the language that the Appellant understands and that, as a result, Counsel has not been able to hold appropriate consultations with the Appellant. The requested 15 days are said to be necessary in order to permit the Appellant to read the Judgement in the Serbian language and to make appropriate suggestions and hold consultations with Counsel.³

4. The Appeals Chamber notes that the Motion is unopposed by the Prosecution in so far as the request for the extension of time is concerned.⁴ The Prosecution further states that it does not request a corresponding extension of time to file its Appeal Brief.⁵ The Appeals Chamber considers that, in light of the fact that the time limit for the filing the Appellant’s Brief is due to expire on 25 September 2007, the present decision may be rendered before the filing of a reply, if any, by Counsel for the Appellant.

5. The Appeals Chamber recalls that pursuant to Rule 127(A)(i) and (B) of the Rules, the Appeals Chamber may, on good cause being shown by motion, enlarge or reduce any time prescribed by or under the Rules. The Appeals Chamber has confirmed that no translation of the Judgement into BCS language has been served on the parties and has been advised by the Registry that the BCS translation of the Judgement will only be available on 7 December 2007.

¹ *Prosecutor v. Milan Martić*, Case No. IT-95-11-T, Judgement, 12 June 2007 (“Judgement”).

² Motion, para. 6.

³ *Ibid.*

⁴ Prosecution Response to Defence Motion to Extend Time and Enlargement of Word Limit, 18 September 2007, para. 1 (“Response”).

⁵ *Ibid.*

6. The Appeals Chamber considers that it is in the interests of justice to allow the Appellant adequate time to read the Judgement in a language he understands and to consult with Counsel before filing the Appellant's brief.⁶ The Appeals Chamber consequently finds that "good cause" within the meaning of Rule 127 of the Rules has been shown. It further finds that an extension of fifteen days following the communication to the Appellant of the B/C/S translation of the Judgement is reasonable and appropriate.

7. In the Motion, Counsel additionally seeks authorization to enlarge the applicable word limit for appeal briefs as provided by the Practice Direction on the Length of Briefs and Motions,⁷ on the basis that the Counsel is unable to set out all of the grounds and arguments foreseen in the Notice of Appeal in 30,000 words.⁸ Counsel submits that exceptional circumstances justifying the enlargement of the word limit by 15,000 words exist because the Judgement contains 186 pages including many errors of fact and law which the Appellant challenges in several grounds of appeal.⁹ Counsel further adds that there are more than 11, 000 transcript pages and more than 1,000 exhibits with many containing a large number of pages.¹⁰

8. The Appeals Chamber notes that the Prosecution opposes the Appellant's request for an enlargement of the word limit.¹¹ The Appeals Chamber finds that the Appellant has failed to provide any justifiable basis for an increase in the word limit. There is nothing exceptional in the Judgement or in the Appellant's Notice of Appeal that would warrant such an increase. Moreover, the Appeals Chamber recalls that the quality and effectiveness of an Appellant's brief does not depend on the length but on the clarity and cogency of the presented arguments and that, therefore, excessively long briefs do not necessarily serve the cause of efficient administration of justice.¹²

⁶ See, e.g., *Miroslav Bralo v. The Prosecutor*, Case No. IT-95-17-A, Decision on Miroslav Bralo's Motion for Extension of Time to File Appellant's Brief, 2 February 2006, p. 3; *Milan Babić v. The Prosecutor*, Case No. IT-03-72-A, Decision on Motion to Extend Time for Filing of Notice of Appeal, 28 July 2004, p. 2; *Dragan Nikolić v. The Prosecutor*, Case No. IT-94-2-A, Decision on Motion for Variation of Time Limits, 25 March 2004, p. 3.

⁷ IT/184/Rev.2, 16 September 2005, para. (C)(7).

⁸ Motion, para. 12.

⁹ The list of alleged errors is set out in the Motion at para. 13.

¹⁰ Motion, para. 15.


¹¹ Response, paras. 2-5.

¹² See *Prosecutor v. Hadžihasanović*, Case No. IT-01-47-A, Decision on Defence Motion on Behalf of Enver Hadžihasanović Seeking Leave to Exceed Words Limit for the Appeal Brief, 22 January 2007, p. 3; *Prosecutor v. Naser Orić*, Case No. IT-03-68-A, Decision on Defence Motion for Extension of Word Limit for Defence Appellant's Brief, 6 October 2006, p. 3; *Ferdinand Nahimana et al. v. The Prosecutor*, ICTR-99-52-A, Decision on "Appellant Jean-Bosco Barayagwiza's Urgent Motion for Leave to Have Further Time to File the Appeals Brief and the Appeal Notice", 17 May 2005, p. 3.

9. On the basis of the foregoing, the Appeals Chamber **GRANTS** the Motion in part; **ORDERS** the Appellant to file the Appellant's Brief no later than 24 December 2007; and **DIRECTS** the Registrar to provide the BCS translation of the Judgement to the Appellant and his Counsel by 7 December 2007, at the latest. The Motion is **DISMISSED** in all other respects.

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

Done this 21st day of September 2007,
At The Hague,
The Netherlands.



Judge Fausto Pocar
Presiding Judge

[Seal of the International Tribunal]