



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-04-84-R77.4-A
Date: 26 January 2009
Original: English

IN THE APPEALS CHAMBER

Before: Judge Liu Daqun, Presiding
Judge Mohamed Shahabuddeen
Judge Mehmet Güney
Judge Fausto Pocar
Judge Andréia Vaz

Acting Registrar: Mr. John Hocking

Decision of: 26 January 2009

PROSECUTOR

v.

**ASTRIT HARAQIJA
and
BAJRUSH MORINA**

**DECISION ON PROSECUTION MOTION FOR
DETERMINATION OF WORD LIMIT FOR CONSOLIDATED
RESPONSE**

Public

The Office of the Prosecutor:

Ms. Barbara Goy

Counsel for Astrit Haraqija:

Mr. Karim A. A. Khan

Counsel for Bajrush Morina:

Mr. Jens Dieckmann

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 the Judgement rendered in this case on 17 December 2008 by Trial Chamber I;¹

NOTING the Notices of Appeal filed respectively by Astrit Haraqija and Bajrush Morina (“Appellants”) on 2 January 2009;²

NOTING the Appeal Briefs filed respectively by the Appellants on 19 January 2009;³

BEING SEIZED OF the “Prosecution Motion for Determination of Word Limit for Consolidated Response” filed on 22 January 2009 (“Motion”), in which the Prosecution requests leave to file a consolidated Respondent’s Brief not exceeding 16,000 words;⁴

NOTING that the Appellants have not yet filed a response to the Motion;

NOTING that the Prosecution submits in its Motion that parts of the Appellants’ appeals are substantially similar and require a uniform analysis and response,⁵ and thus proposes to file a consolidated response to the two Appeal Briefs;

NOTING that the filing of a consolidated response is not regulated with respect to contempt appeals by the Practice Direction,⁶

CONSIDERING however that it is consistent with the practice in appeals from judgement, regulated in paragraph (C)1 of the Practice Direction;

¹ *Prosecutor v. Astrit Haraqija*, Case No. IT-04-84-R77.4, Judgement on Allegations of Contempt, 17 December 2008.

² Astrit Haraqija’s Notice of Appeal of the “Judgement on Contempt Allegations” Dated 17 December 2008, 2 January 2009; Notice of Appeal on Behalf of Bajrush Morina, 2 January 2009. The Appeals Chamber notes that the Prosecution also filed the Prosecution’s Notice of Appeal on 2 January 2009.

³ Appeal Brief on Behalf of Bajrush Morina, 19 January 2009 (confidential); Astrit Haraqija’s Appeal of the “Judgement on Contempt Allegations” Dated 17 December 2008, 19 January 2009 (confidential); and Corrigendum to Astrit Haraqija’s Appeal of the “Judgement on contempt Allegations” Dated 17 December 2008 with Confidential Annex, 20 January 2009 (confidential).

⁴ Motion, para. 6.

⁵ Motion, paras 4 - 5.

NOTING that while the Practice Direction does not provide a word limit for filings in contempt appeals, both parties appear to be proceeding on the understanding that the 9,000 word limit applicable to interlocutory appeals is also applicable here;

NOTING that the Prosecution argues that there is limited overlap between the respective Appellant's Briefs, and therefore requests leave to file up to 16,000 words in the consolidated response;⁷

CONSIDERING that the word limit for consolidated briefs in appeals from Judgement is determined on a ratio of 3:1 for each additional appellee;⁸

CONSIDERING the interests of judicial economy;

FINDING that the Prosecution has demonstrated exceptional circumstances necessitating an oversized filing;

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

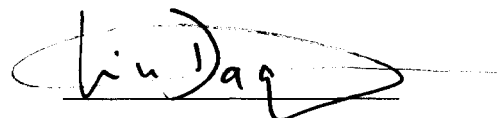
GRANTS the Motion **IN PART** and **ALLOWS** the Prosecution to file a consolidated response not exceeding 12,000 words.

⁶ Practice Direction on the Length of Briefs and Motions (IT/184 Rev. 2), 16 September 2005 ("Practice Direction"), para. C(7).

⁷ Motion, paras 4 - 5.

⁸ Practice Direction, paragraph (C)1(a)(i): "provided that, where the Prosecutor, as appellant, files a separate brief in respect of each appellee or a consolidated brief, the total number of words filed shall not exceed 30,000 in respect of one appellee and a further 10,000 in respect of each additional appellee", and paragraph (C)1(c)(i): "provided that, where the Prosecutor files a reply brief in respect of more than one appellee, either by filing a separate brief in respect of each appellee or a consolidated brief, the total number of words shall not exceed 9,000 in respect of one appellee and a further 3,000 in respect of each additional appellee".

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

A handwritten signature in black ink, appearing to read "Liu Daqun", written over a horizontal line. The signature is enclosed within a large, hand-drawn oval shape.

Judge Liu Daqun
Presiding Judge

Dated this 26th day of January 2009
At The Hague
The Netherlands.

[Seal of the International Tribunal]