



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-95-5/18-PT

Date: 17 February 2009

Original: English

IN THE TRIAL CHAMBER

Before: Judge Iain Bonomy, Presiding
Judge Christoph Flügge
Judge Michèle Picard

Acting Registrar: Mr. John Hocking

Decision of: 17 February 2009

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**DECISION ON PROSECUTION MOTION
TO EXCEED THE WORD LIMIT FOR A MOTION**

Office of the Prosecutor:

Mr. Alan Tieger
Mr. Mark B. Harmon
Ms Hildegard Uertz-Retzlaff

The Accused:

Mr. Radovan Karadžić

THIS TRIAL 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 (“Tribunal”) is seised of the Prosecution’s “Motion Seeking Authorisation to Exceed the Word Limit for a Motion”, filed on 12 February 2009 (“Motion”) and the Accused’s “Response to Motion to Exceed Word Limit”, filed on 16 February 2009 (“Response”), and hereby renders its decision thereon.

1. In the Motion, the Prosecution “seeks authorisation to exceed the word limit by approximately 600 words in a motion seeking a determination that the Accused understands English for the purposes of the Statute of the Tribunal and the Tribunal’s Rules of Procedure and Evidence”¹ (“Rules”). The Prosecution submits that the outcome of its forthcoming motion will have important consequences for resource-allocation within the Tribunal, and therefore wishes to provide comprehensive evidence and arguments to assist the Trial Chamber.² In the Response, the Accused “does not object to the prosecution’s exceeding the word limit by approximately 600 words”, contending that “[t]he cause of justice will be advanced if both parties have both the time and the opportunity to make their strongest arguments”.³

2. According to the “Practice Direction on the Length of Briefs and Motions”⁴ (“Practice Direction”), “motions, responses and replies before a Chamber will not exceed 3,000 words”.⁵ The Practice Direction further provides that:

A party must seek authorization in advance from the Chamber to exceed the word limits in this Practice Direction and must provide an explanation of the exceptional circumstances that necessitate the oversized filing. Upon filing by a party of a motion for an extension of time or word limit, the pre-appeal Judge may dispose of the motion without hearing the other party, unless he/she considers that there is a risk that the other party may be prejudiced.⁶

3. The Trial Chamber considers the oversized filing to be necessary under the circumstances, due to the nature of the arguments the Prosecution proposes to include, and the desirability of their being explained and supported in a comprehensive manner. Further, the Trial Chamber is satisfied that no prejudice will be caused to the Accused by the excess words.

¹ Motion, para. 1.

² Motion, para. 2.

³ Response, para. 2.

⁴ IT/184/Rev 2/16 September 2005.

⁵ Para. (C), sub-para. 5.

⁶ Para. (C), sub-para. 7.

4. Accordingly, the Trial Chamber, pursuant to paragraph (C), sub-paragraph 7 of the "Practice Direction on the Length of Briefs and Motions" and Rules 54 and 73 of the Rules, hereby GRANTS the Prosecution leave to exceed the word limit by approximately 600 words in its forthcoming motion.

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



Judge Iain Bonomy
Presiding

Dated this seventeenth day of February 2009
At The Hague
The Netherlands

[Seal of the Tribunal]