



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-05-88-A
Date: 18 January 2011
Original: English

IN THE APPEALS CHAMBER

Before: Judge Patrick Robinson, Pre-Appeal Judge
Registrar: Mr. John Hocking
Decision: 18 January 2011

PROSECUTOR

v.

**VUJADIN POPOVIĆ
LJUBIŠA BEARA
DRAGO POPOVIĆ
RADIVOJE MILETIĆ
MILAN GVERO
VINKO PANDUREVIĆ**

PUBLIC

**DECISION ON MOTION OF RADIVOJE MILETIĆ FOR PERMISSION TO
FURTHER EXCEED WORD LIMITATION**

The Office of the Prosecutor:

Mr. Peter Kremer

Counsel for the Defence:

Mr. Zoran Živanović and Ms. Mira Tapušковиć for Mr. Vujadin Popović
Mr. John Ostojić and Mr. Predrag Popović for Mr. Ljubiša Beara
Ms. Jelena Popović and Mr. Stéphane Bourgon for Mr. Drago Popović
Ms. Natacha Fauveau Ivanović and Mr. Nenad Petrušić for Mr. Radivoje Miletić
Mr. Dragan Krgović and Mr. David Josse for Mr. Milan Gvero
Mr. Peter Haynes and Mr. Simon Davis for Mr. Vinko Pandurević

I, Patrick Robinson, Presiding Judge of 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 “Tribunal”, respectively), and Pre-Appeal Judge in this case,

NOTING the “Judgement” rendered by Trial Chamber II on 10 June 2010;¹

NOTING the respective notices of appeal filed by the parties on 8 September 2010;²

BEING SEISED OF the “*Requête Urgente de la Défense de Radivoje Miletic aux Fins d’Obtenir une Autorisation de Déposer un Mémoire d’Appel Excédant le Nombre de Mots Fixé*”, filed by counsel for Radivoje Miletić (“Miletić”) on 10 January 2011 (“Motion”), in which Miletić requests permission to file an appellant brief comprising a maximum of 47,500 words (representing a further 7,500-word increase);³

CONSIDERING that Miletić argues that the 10,000-word increase granted by the Pre-Appeal Judge in the “Decision on Motions for Extension of Time and for Permission to Exceed Word Limitations”, issued on 20 October 2010 (“Extension Decision”), is insufficient, explaining that he has attempted to limit his arguments and to delete all superfluous elements of the appellant brief, and requests that the exceptional circumstances advanced in his first request be re-evaluated;⁴

CONSIDERING that the Prosecution responds that the Motion should be denied because it is a motion for reconsideration and Miletić has not demonstrated a clear error of reasoning or a change in circumstances, but merely alleges, without substantiation, that granting him an additional 7,500 words is necessary to fully develop his arguments on appeal;⁵

CONSIDERING that Miletić replies that the Prosecution “sidesteps” his chief argument that the fairness of the proceedings requires an increase in the word limit and reiterates that, at this stage of

¹ *Prosecutor v. Vujadin Popović et al.*, Case No. IT-05-88-T, Judgement, 10 June 2010.

² Prosecution’s Notice of Appeal, 8 September 2010; Vujadin Popović’s Notice of Appeal, 8 September 2010 (confidential); Appellant, Ljubiša Beara’s Notice of Appeal, 8 September 2010; Notice of Appeal on Behalf of Drago Popović, 8 September 2010 (confidential); Notice of Appeal by the Radivoje Miletić Defence, 8 September 2010; Notice of Appeal on Behalf of Vinko Pandurević Against the Judgment of the Trial Chamber Dated 10th June 2010, 8 September 2010 (confidential).

³ Motion, paras 4, 6-7. An English translation of the Motion was filed on 13 January 2011. Urgent Motion of the Radivoje Miletić Defence for Leave to File an Appeal Brief Exceeding the Word Limit, 13 January 2011.

⁴ Motion, paras 6-9.

⁵ Prosecution’s Response to Radivoje Miletić’s Motion for Further Enlargement of the Word Limit, 11 January 2011 (“Response”), paras 1-2.

the drafting of the appellant brief, a limited enlargement is necessary in order for his arguments to be clearly and appropriately set forth;⁶

CONSIDERING that, pursuant to paragraph (C)(1)(a) of the Practice Direction on the Length of Briefs and Motions (“Practice Direction”), an appellant brief from a final judgement of a Trial Chamber will not exceed 30,000 words;⁷

CONSIDERING that the Tribunal’s word limits for appellant briefs are necessary to ensure the fair and expeditious conduct of the appeal;⁸

CONSIDERING that the Pre-Appeal Judge may, in exceptional circumstances, grant an extension of the word limit set by the Practice Direction;⁹

CONSIDERING that the number of grounds or sub-grounds on appeal is not a factor that in itself provides sufficient reason to enlarge the word limits prescribed by the Practice Direction;¹⁰

CONSIDERING that the quality and effectiveness of an appellant brief does not depend upon length, but upon the clarity and cogency of the arguments presented and that excessively long briefs do not necessarily facilitate the efficient administration of justice;¹¹

CONSIDERING that, in the Extension Decision, I considered that Miletić had demonstrated exceptional circumstances for a 10,000-word increase in the word limitation for his appellant brief due to the length of the Judgement and the complexity of the issues that it raises;¹²

FINDING that Miletić has not demonstrated in the Motion any reasons for the word limitation in the Extension Decision to be re-evaluated;

⁶ *Réplique de la Défense de Radivoje Miletić à la Réponse du Procureur du 12 Janvier 2011 Relative au Nombre de Mots du Mémoire d’Appel*, 13 January 2011 (“Reply”), paras 4-7. An English translation of the Reply was filed on 17 January 2011. Reply by the Radivoje Miletić Defence to the Prosecutor’s Response of 12 January 2011 in Respect of Appeal Brief Word Limits, 17 January 2011.

⁷ IT/184/Rev. 2, 16 September 2005.

⁸ *Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/1-A, Decision on Defence Motion for Extension of Time to File Appellate Brief and to Increase the Word Limit, 11 August 2008, p. 3.

⁹ Practice Direction, para. (C)(7).

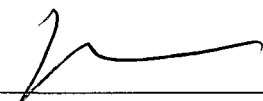
¹⁰ *Prosecutor v. Nikola Šainović*, Case No. IT-05-87-A, Decision on Nikola Šainović’s and Dragoljub Ojdanić’s Joint Motion for Extension of Word Limit, 11 September 2009 (“Šainović Decision of 11 September 2009”), p. 3 (citing *Prosecutor v. Naser Orić*, Case No. IT-03-68-A, Decision on Defence Motion for Extension of Word Limit for Defence Appellant’s Brief (“Orić Decision”), 6 October 2006, p. 3).

¹¹ *Šainović Decision of 11 September 2009*, p. 4 (citing *Orić Decision*, p. 3).

PURSUANT TO Rule 111 of the Rules of Procedure and Evidence of the Tribunal and paragraph (C)(1) of the Practice Direction,

HEREBY DENY the Motion without prejudice to additional requests for an extension of the word limit set by the Practice Direction on the basis of a demonstration of further exceptional circumstances.

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



Judge Patrick Robinson
Pre-Appeal Judge

Dated this eighteenth day of January 2011
At The Hague
The Netherlands

[Seal of the Tribunal]

¹² Extension Decision, p. 6 (citing Decision on Joint Motion for Extension of Time to File Notice of Appeal, 25 June 2010, p. 2).