



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-T

Date: 21 March 2014

Original: English

IN THE TRIAL CHAMBER

Before: Judge O-Gon Kwon, Presiding Judge
Judge Howard Morrison
Judge Melville Baird
Judge Flavia Lattanzi, Reserve Judge

Registrar: Mr. John Hocking

Order of: 21 March 2014

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

ORDER ON FILING OF FINAL TRIAL BRIEFS

Office of the Prosecutor

Mr. Alan Tieger
Ms. Hildegard Uertz-Retzlaff

The Accused

Mr. Radovan Karadžić

Standby Counsel

Mr. Richard Harvey

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");

BEING SEISED of the Accused's "Submission on Schedule for Filing of Closing Briefs" filed on 26 February 2014 ("Submission"), in which he requests the Chamber to order a filing deadline for the final trial briefs of both parties 12 months after the testimony of the "final witness",¹ and of the "Prosecution Motion for Variation of the Word Limit for its Final Trial Brief and Submission on Timing of Filing of Final Trial Briefs with Appendix A" filed on 3 March 2014 ("Motion"), in which the Office of the Prosecutor ("Prosecution") proposes that both parties be ordered to file their final trial briefs by 17 September 2014, and seeks permission to file a final trial brief totalling 375,000 words, to be divided in a brief not exceeding 150,000 words accompanied by annexes containing legal and/or factual argument not exceeding 225,000 words;²

NOTING that on 3 March 2014, in response to an oral inquiry, the Accused informed the Chamber that he does not oppose the Prosecution's request regarding the word limit, and requests that he be afforded the same;³

NOTING further that on the same day, the Prosecution argued that it opposes the Accused's request for a 12-month deadline for the filing of the final trial brief, but noted that, in relation to the extension of the word limit, it does not take a position as to the allocation of words between the brief and the annexes;⁴

NOTING Rule 86(B) of the Tribunal's Rules of Procedure and Evidence ("Rules"), according to which no later than five days prior to presenting a closing argument, a party shall file a final trial brief;

NOTING the Practice Direction on the Length of Briefs and Motions ("Practice Direction") according to which final trial briefs will not exceed 60,000 words and that upon seeking an extension of this word limit, the requesting party must explain "the exceptional circumstances that necessitate the oversized filing";⁵

¹ Submission, para. 5.

² Motion, para. 13; T. 47550 (3 March 2014).

³ T. 47547 (3 March 2014).

⁴ T. 47549-47550 (3 March 2014).

⁵ Practice Direction, Section (C), paras. 4, 7.

RECALLING that appendices to the final trial briefs and books of authority may not contain any legal or factual arguments but rather references, source materials, items from the record, exhibits, and other relevant, non-argumentative material, and that headings, footnotes, and quotations count towards the word limitation,⁶ and that in case appendices do contain such legal or factual arguments, they will count towards the word limit;⁷

NOTING that in light of the Chamber's decisions issued on 20 and 21 March 2014, denying respectively the "Prosecution Motion to Re-Open Its Case with Public Appendix A and Confidential Appendix B" and the "Prosecution Motion to Admit Evidence in Rebuttal",⁸ the Chamber expects the evidence phase of the case to conclude before the date anticipated by the Prosecution, namely the end of April 2014;⁹

CONSIDERING the unprecedented scope of the case, the number of witnesses called and the volume of evidence tendered, the Chamber is of the view that a substantial increase to the word limit from the typical 60,000 words is warranted, but that the 375,000 word limit requested by the Prosecution is excessive;

CONSIDERING further that the time frame envisaged by the Prosecution is reasonable, that there will be neither rebuttal nor reopening, and that the Accused has not put forth any convincing arguments for being granted 12 months in which to file his final trial brief;

FOR THE FOREGOING REASONS,

PURSUANT to Rule 86(B) of the Rules and Section (C)(4) and (7) of the Practice Direction

ORDERS as follows:

- (i) The parties shall file their final trial briefs by no later than 29 August 2014;
- (ii) The parties' final trial briefs shall not exceed 300,000 words, which shall include any appendices containing legal or factual arguments;

⁶ Practice Direction, Section (C), para. 6.

⁷ See T. 218, 225–226 (6 May 2009).

⁸ Decision on Prosecution Motion to Re-open its Case and Prosecution Motion for Protective Measures for Witness KDZ614, 20 March 2014; Decision on Prosecution's Motion to Admit Evidence in Rebuttal, public with confidential annex, 21 March 2014.

⁹ T. 47551 (3 March 2014).

(iii) The parties shall present their closing arguments starting on 29 September 2014; and

(iv) The parties shall file a submission by no later than 28 March 2014, informing the Chamber how much time they would each require to present their closing arguments.

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



Judge O-Gon Kwon
Presiding

Dated this twenty-first day of March 2014
At The Hague
The Netherlands

[Seal of the Tribunal]