



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-06-90-A
Date: 26 October 2011
Original: English

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Pre-Appeal Judge
Registrar: Mr. John Hocking
Decision of: 26 October 2011

PROSECUTOR

v.

**ANTE GOTOVINA
MLADEN MARKAČ**

PUBLIC

**DECISION ON GOTOVINA'S
MOTION TO EXCEED WORD LIMIT**

The Office of the Prosecutor

Ms. Helen Brady and Mr. Douglas Stringer

Counsel for Ante Gotovina

Mr. Gregory Kehoe, Mr. Luka Mišetić, Mr. Payam Akhavan, and Mr. Guénaél Mettraux

Counsel for Mladen Markač

Mr. Goran Mikuličić, Mr. Tomislav Kuzmanović, Mr. John Jones, and Mr. Kai Ambos

I, THEODOR MERON, 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 (“Tribunal”), and Pre-Appeal Judge in this case,¹

BEING SEISED OF the “Motion for Leave to Exceed Word Limit” filed by Ante Gotovina (“Gotovina”) on 26 October 2011 (“Motion”), wherein Gotovina, *inter alia*: states that he wishes to request admission of additional evidence, including 25 distinct exhibits, under Rule 115 of the Rules of Procedure and Evidence (“Rules”); explains that rather than filing three separate motions requesting admission of additional evidence, he wishes to combine his request into a single motion for purposes of judicial economy; and, in this context, requests a 4,000 word extension to the word limit for Rule 115 motions established by the Tribunal;²

NOTING the “Prosecution Response to Gotovina’s Motion to Exceed Word Limit” filed by the Office of the Prosecutor (“Prosecution”) on 26 October 2011 (“Response”), wherein the Prosecution does not oppose the Motion, but requests that any extension to the word limit granted to Gotovina also be granted to the Prosecution;³

NOTING that according to the relevant practice direction, motions to present additional evidence in accordance with Rule 115 of the Rules are normally limited to 9,000 words, and that parties must seek authorization in advance before exceeding this limit, providing an explanation of the exceptional circumstances which impel their request;⁴

NOTING that the Appeals Chamber may, at its discretion, grant leave to exceed the word limit for Rule 115 motions even where circumstances are not exceptional, in order to facilitate expeditious appeals proceedings;⁵

CONSIDERING the need for judicial economy and the extensive scope of additional evidence Gotovina wishes to introduce are not exceptional circumstances, but that the unified approach suggested by the Motion would beneficially expedite appeals proceedings;

CONSIDERING that, in context, the Motion’s request for an extension to the relevant word limit is justified;

¹ Order Designating a Pre-Appeal Judge, 30 May 2011.

² Motion, paras 2-6, 8.

³ Response, para. 2.

⁴ *Practice Direction on the Length of Briefs and Motions*, IT/184 Rev. 2, 16 September 2005, paras 5, 7.

⁵ *See Prosecutor v. Momčilo Krajišnik*, Case No. IT-00-39-A, Decision on Urgent Requests to Extend Word Limits, 18 July 2008, p. 2.

CONSIDERING that an equivalent extension to the word limit for the Prosecution is also justified;

FOR THE FOREGOING REASONS,

GRANT the Motion; and

ALLOW the Prosecution a 4,000 word extension to the word limit applicable to its relevant response.

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

Dated this 26th day of October 2011,
at The Hague,
The Netherlands.



Judge Theodor Meron,
Pre-Appeal Judge

[Seal of the Tribunal]