



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: 22 April 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: 22 April 2009

PROSECUTOR

v.

RADOVAN KARADŽIĆ

PUBLIC

**DECISION ON ACCUSED MOTION FOR EXTENSION OF TIME
AND TO EXCEED WORD LIMIT: HOLBROOKE AGREEMENT 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 Accused’s “Motion for Extension of Time and to Exceed Word Limit: Holbrooke Agreement Motion”, filed on 20 April 2009 (“Motion”), and hereby renders its decision thereon.

1. On 9 April 2009, the Trial Chamber issued a decision extending the time limit for the filing of preliminary motions with specific regard to an anticipated motion by the Accused challenging jurisdiction on the basis of the alleged immunity agreement between himself and U.S. Ambassador Richard Holbrooke, to 23 April 2009.¹ In the Motion the Accused seeks a further extension of time for the submission of this preliminary motion, to 7 May 2009, on the basis that (a) he needs additional time to gather further relevant documents, (b) he is awaiting the disclosure of relevant information from the Office of the Prosecutor (“Prosecution”), (c) his defence team is yet to interview two witnesses considered to have information relevant to the motion, and (d) one of his legal associates will not return to The Hague until 4 May 2009, and the Accused wishes to discuss the motion with him in person.² The Accused also requests an extension of the normal word-limit for motions, set out in the Tribunal’s Practice Direction on the Length of Briefs and Motions (“Practice Direction”), to 15,000 words. In support of this request he argues that he needs to lay out the factual evidence in support of the existence of the alleged agreement as well as his legal arguments about whether such an agreement would be valid or binding, and the legal effects thereof.³

2. Pursuant to an order from the pre-trial judge, the Prosecution submitted its Response to “Motion for Extension of Time and to Exceed Word Limit: Holbrooke Agreement Motion” on 22 April 2009 (“Response”).⁴ The Prosecution does not oppose the two-week extension period requested by the Accused in the Motion, but states that he has failed to show good cause for the requested extension of the word-limit.

3. The Trial Chamber notes that the original deadline for the filing of preliminary motions under Rule 72 of the Tribunal’s Rules of Procedure and Evidence (“Rules”) was 1 April 2009. However, in light of certain issues that were raised on appeal, the Chamber considered it

¹ Decision on Accused Motion for Interview of Defence Witness and Third Motion for Disclosure, 9 April 2009, para. 28.

² Motion, paras. 4–8.

³ Motion, para. 10.

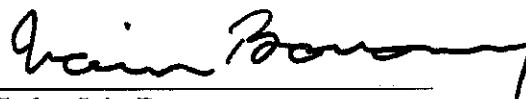
⁴ See Order for Expedited Response to Accused’s Motion for Extension of Time and to Exceed Word Limit: Holbrooke Agreement Motion, 21 April 2009.

appropriate to extend the time available to the Accused for the filing of his preliminary motion challenging jurisdiction on the basis of the alleged Holbrooke agreement, and granted the extension to 23 April 2009. The Accused has made some progress in gathering the information that he deems necessary in support of the motion, and asks for an extra two weeks to complete that process. The Chamber considers it to be in the interests of justice to grant that request.

4. With regard to the Accused's request for a word-limit of 15,000 words, rather than the normal 3,000 words set out in the Practice Direction, the Chamber is not satisfied that such a huge extension is warranted. As noted by the Prosecution in its Response, it is open to the Accused to append certain types of documents to a motion which will not count towards the word-limit, such as source materials, witness statements, and other relevant, non-argumentative material.⁵ In light of the nature of the proposed motion and its various aspects, the Chamber considers that some extension of the word-limit is merited and that 6,000 words is sufficient.

5. Accordingly, the Trial Chamber, pursuant to Rules 54 and 127 of the Rules, hereby **GRANTS** the Motion in part, and **ORDERS** the Accused to file his proposed preliminary motion by 7 May 2009, which shall not exceed 6,000 words in length.

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



Judge Iain Bonomy
Presiding

Dated this twenty-second day of April 2009
At The Hague
The Netherlands

[Seal of the Tribunal]

⁵ Practice Direction, para. 6.