



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-04-84-R77.4-A  
Date: 26 January 2009  
Original: English

**IN THE APPEALS CHAMBER**

**Before:** Judge Liu Daqun, Presiding  
Judge Mohamed Shahabuddeen  
Judge Mehmet Güney  
Judge Fausto Pocar  
Judge Andréia Vaz

**Acting Registrar:** Mr. John Hocking

**Decision of:** 26 January 2009

**PROSECUTOR**

v.

**ASTRIT HARAQIJA  
and  
BAJRUSH MORINA**

**DECISION ON PROSECUTION MOTION FOR  
DETERMINATION OF WORD LIMIT FOR CONSOLIDATED  
RESPONSE**

*Public*

**The Office of the Prosecutor:**

Ms. Barbara Goy

**Counsel for Astrit Haraqija:**

Mr. Karim A. A. Khan

**Counsel for Bajrush Morina:**

Mr. Jens Dieckmann

**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 “International Tribunal”, respectively),

**NOTING** the Judgement rendered in this case on 17 December 2008 by Trial Chamber I;<sup>1</sup>

**NOTING** the Notices of Appeal filed respectively by Astrit Haraqija and Bajrush Morina (“Appellants”) on 2 January 2009;<sup>2</sup>

**NOTING** the Appeal Briefs filed respectively by the Appellants on 19 January 2009;<sup>3</sup>

**BEING SEIZED OF** the “Prosecution Motion for Determination of Word Limit for Consolidated Response” filed on 22 January 2009 (“Motion”), in which the Prosecution requests leave to file a consolidated Respondent’s Brief not exceeding 16,000 words;<sup>4</sup>

**NOTING** that the Appellants have not yet filed a response to the Motion;

**NOTING** that the Prosecution submits in its Motion that parts of the Appellants’ appeals are substantially similar and require a uniform analysis and response,<sup>5</sup> and thus proposes to file a consolidated response to the two Appeal Briefs;

**NOTING** that the filing of a consolidated response is not regulated with respect to contempt appeals by the Practice Direction,<sup>6</sup>

**CONSIDERING** however that it is consistent with the practice in appeals from judgement, regulated in paragraph (C)1 of the Practice Direction;

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<sup>1</sup> *Prosecutor v. Astrit Haraqija*, Case No. IT-04-84-R77.4, Judgement on Allegations of Contempt, 17 December 2008.

<sup>2</sup> Astrit Haraqija’s Notice of Appeal of the “Judgement on Contempt Allegations” Dated 17 December 2008, 2 January 2009; Notice of Appeal on Behalf of Bajrush Morina, 2 January 2009. The Appeals Chamber notes that the Prosecution also filed the Prosecution’s Notice of Appeal on 2 January 2009.

<sup>3</sup> Appeal Brief on Behalf of Bajrush Morina, 19 January 2009 (confidential); Astrit Haraqija’s Appeal of the “Judgement on Contempt Allegations” Dated 17 December 2008, 19 January 2009 (confidential); and Corrigendum to Astrit Haraqija’s Appeal of the “Judgement on contempt Allegations” Dated 17 December 2008 with Confidential Annex, 20 January 2009 (confidential).

<sup>4</sup> Motion, para. 6.

<sup>5</sup> Motion, paras 4 - 5.

**NOTING** that while the Practice Direction does not provide a word limit for filings in contempt appeals, both parties appear to be proceeding on the understanding that the 9,000 word limit applicable to interlocutory appeals is also applicable here;

**NOTING** that the Prosecution argues that there is limited overlap between the respective Appellant's Briefs, and therefore requests leave to file up to 16,000 words in the consolidated response;<sup>7</sup>

**CONSIDERING** that the word limit for consolidated briefs in appeals from Judgement is determined on a ratio of 3:1 for each additional appellee;<sup>8</sup>

**CONSIDERING** the interests of judicial economy;

**FINDING** that the Prosecution has demonstrated exceptional circumstances necessitating an oversized filing;

On the basis of the foregoing, **HEREBY**:

**GRANTS** the Motion **IN PART** and **ALLOWS** the Prosecution to file a consolidated response not exceeding 12,000 words.

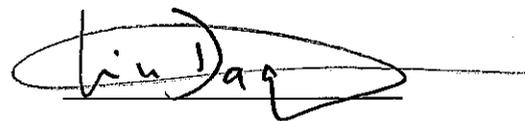
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<sup>6</sup> Practice Direction on the Length of Briefs and Motions (IT/184 Rev. 2), 16 September 2005 ("Practice Direction"), para. C(7).

<sup>7</sup> Motion, paras 4 - 5.

<sup>8</sup> Practice Direction, paragraph (C)1(a)(i): "provided that, where the Prosecutor, as appellant, files a separate brief in respect of each appellee or a consolidated brief, the total number of words filed shall not exceed 30,000 in respect of one appellee and a further 10,000 in respect of each additional appellee", and paragraph (C)1(c)(i): "provided that, where the Prosecutor files a reply brief in respect of more than one appellee, either by filing a separate brief in respect of each appellee or a consolidated brief, the total number of words shall not exceed 9,000 in respect of one appellee and a further 3,000 in respect of each additional appellee".

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

A handwritten signature in black ink, appearing to read 'Liu Daqun', enclosed within a large, horizontal oval shape.

Judge Liu Daqun  
Presiding Judge

Dated this 26th day of January 2009  
At The Hague  
The Netherlands.

**[Seal of the International Tribunal]**