



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-00-39-A
Date: 18 July 2008
Original: English

IN THE APPEALS CHAMBER

Before: Judge Theodor Meron, Pre-Appeal Judge
Registrar: Mr. Hans Holthuis
Decision of: 18 July 2008

PROSECUTOR

v.

MOMČILO KRAJIŠNIK

PUBLIC

**DECISION ON URGENT REQUESTS TO EXTEND WORD
LIMITS**

The Appellant *pro se*:

Mr. Momčilo Krajišnik

The Office of the Prosecutor:

Mr. Peter M. Kremer, QC

Counsel for the Appellant on JCE:

Mr. Alan M. Dershowitz

Amicus Curiae:

Mr. Colin Nicholls, QC

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 (“Appeals Chamber” and “Tribunal” respectively) and Pre-Appeal Judge in the present case,

NOTING the “Motion to Present Additional Evidence Pursuant to Rule 115 to the Appeal by Momčilo Krajišnik to the ICTY Judgement of 27 September 2006”, filed on 18 June 2008 (“Rule 115 Motion”), and the “Supplement to the Motion to Present Additional Evidence of 29 May Pursuant to Rule 116 Momčilo Krajišnik to the ICTY Judgement of 27 September 2006”, filed on 18 June 2008 (“Supplement”);

NOTING that the Rule 115 Motion and the Supplement exceed the word limit of 9,000 words specified in the Practice Direction on the Length of Briefs and Motions, which limits Rule 115 motions and responses to 9,000 words;¹

BEING SEIZED OF an “Urgent Prosecution Motion to Extend Word Limit of Its Response to Krajišnik’s Rule 115 Motion”, filed on 16 July 2008 (“Prosecution Motion”), in which the Prosecution requests an extension of the word limit for its response to the Rule 115 Motion and the Supplement;²

BEING SEIZED OF an “Urgent Request by the Appellant for Permission to File a Submission with More Words than Rule 115 Permits”, filed on 18 July 2008 (“Appellant Motion”), in which the Appellant requests an extension of the word limit for the Rule 115 Motion and the Supplement;³

RECALLING that the Practice Direction requires that, in order to exceed the word limit, “[a] party must seek authorization in advance from the Chamber . . . and must provide an explanation of the exceptional circumstances that necessitate the oversized filing”;⁴

NOTING that Mr. Krajišnik failed to seek authorization to exceed the word limit in advance of filing his Rule 115 Motion, but that he has subsequently filed a request seeking such authorization;⁵

NOTING further that the Prosecution Motion does not object to Mr. Krajišnik’s failure to respect the word limit and to file a timely request to exceed the limit, but instead notes only that the Rule

¹ Practice Direction on the Length of Briefs and Motions, IT/184/Rev.2, n.5, para. (C) (5) (“Practice Direction”).

² Prosecution Motion, para. 2.

³ Appellant Motion, paras 5 & 7.

⁴ Practice Direction, para. (C) (7).

⁵ Appellant Motion, paras 5 & 7.

115 Motion exceeds the word limit allocated in the Practice Direction and requests permission to exceed the word limit in its Response;⁶

CONSIDERING that neither of the Parties alleges truly “exceptional circumstances” as required by the Practice Direction, but that the Appeals Chamber can, in its discretion, grant leave to exceed the word limit even in cases where the requirements of the Practice Direction were not strictly complied with in order “to carry out the appeals proceedings with reasonable expedition”;⁷

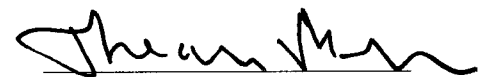
FINDING that it is in the interest of the expeditious progress of the present appeal to allow the Rule 115 Motion and the Supplement to exceed the word limit and, in the interests of the principle of equality of arms and fairness, to allow the Prosecution to exceed the word limit in its response to the Rule 115 Motion and the Supplement;

HEREBY GRANTS the extension of the word limit to Mr. Krajišnik and **FURTHER GRANTS** the extension of the word limit to the Prosecution.

EMPHASIZES that in the future, particularly should Mr. Krajišnik choose to file a Reply to the Prosecution’s response, the Parties must comply strictly with the Practice Direction on the Length of Briefs and Motions.

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

Dated this 18th day of July 2008,
At The Hague, The Netherlands.



Judge Theodor Meron
Pre-Appeal Judge

[Seal of the Tribunal]

⁶ Prosecution Motion, paras 1-2.

⁷ *Prosecutor v. Galić*, Case No. IT-98-29-A, Decision on “Urgent Prosecution Motion for an Order Requiring the Appellant to Re-file his Appeal Brief and Request for Leave to Exceed the Word-Limit for Motion”, 2 September 2004, p. 5; *see also Prosecutor v. Šešelj*, Case No. IT-03-67-AR73.3, Decision on Extension of Word Limits, 27 September 2006, p. 3.