



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-05-88-A
Date: 17 January 2011
Original: English

IN THE APPEALS CHAMBER

Before: Judge Patrick Robinson, Pre-Appeal Judge

Registrar: Mr. John Hocking

Decision: 17 January 2011

PROSECUTOR

v.

**VUJADIN POPOVIĆ
LJUBIŠA BEARA
DRAGO POPOVIĆ
RADIVOJE MILETIĆ
MILAN GVERO
VINKO PANDUREVIĆ**

PUBLIC

**DECISION ON MOTION OF VUJADIN POPOVIĆ FOR PERMISSION TO
FURTHER EXCEED WORD LIMITATION**

The Office of the Prosecutor:

Mr. Peter Kremer

Counsel for the Defence:

Mr. Zoran Živanović and Ms. Mira Tapušковиć for Mr. Vujadin Popović
Mr. John Ostojić and Mr. Predrag Popović for Mr. Ljubiša Beara
Ms. Jelena Popović and Mr. Stéphane Bourgon for Mr. Drago Popović
Ms. Natacha Fauveau Ivanović and Mr. Nenad Petrušić for Mr. Radivoje Miletić
Mr. Dragan Krgović and Mr. David Josse for Mr. Milan Gvero
Mr. Peter Haynes and Mr. Simon Davis for Mr. Vinko Pandurević

I, Patrick Robinson, Presiding 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 this case,

NOTING the “Judgement” rendered by Trial Chamber II on 10 June 2010;¹

NOTING the respective notices of appeal filed by the parties on 8 September 2010;²

BEING SEISED OF “Vujadin Popović’s Motion to Exceed the Word Limit in His Appeal Brief”, filed confidentially by counsel for Vujadin Popović (“Popović”) on 6 January 2011 (“Motion”), in which Popović requests permission to file an appellant brief comprising a maximum of 60,000 words (representing a further 20,000-word increase);³

CONSIDERING that Popović argues that the 10,000-word increase granted by the Pre-Appeal Judge in the “Decision on Motions for Extension of Time and for Permission to Exceed Word Limitations”, issued on 20 October 2010 (“Extension Decision”), is insufficient due to the size of the Trial Judgement; the number of crime sites; the size and complexity of the case; the fact that the scope of his liability is greater than most of his co-appellants; and the number of grounds of appeal in conjunction with the other factors;⁴

CONSIDERING that the Prosecution responds that the Motion should be denied because it is a motion for reconsideration and Popović has not demonstrated a clear error of reasoning or a change in circumstances, but rather largely repeats arguments from his first request for an extension;⁵

CONSIDERING that Popović replies that the Prosecution mischaracterises his Motion when it avers that the scope of his appeal is not broader than that of his co-appellants and that he is basing his request solely upon the number of grounds of appeal;⁶

¹ *Prosecutor v. Vujadin Popović et al.*, Case No. IT-05-88-T, Judgement, 10 June 2010.

² Prosecution’s Notice of Appeal, 8 September 2010; Vujadin Popović’s Notice of Appeal, 8 September 2010 (confidential); Appellant, Ljubiša Beara’s Notice of Appeal, 8 September 2010; Notice of Appeal on Behalf of Drago Popović, 8 September 2010 (confidential); Notice of Appeal by the Radivoje Miletić Defence, 8 September 2010; Notice of Appeal on Behalf of Vinko Pandurević Against the Judgment of the Trial Chamber Dated 10th June 2010, 8 September 2010 (confidential).

³ Motion, paras 1, 16.

⁴ Motion, paras 3, 6-14.

⁵ Prosecution’s Response to Vujadin Popović’s Motion to Exceed the Word Limit, 10 January 2011 (confidential) (“Response”), paras 1-4.

⁶ Vujadin Popović’s Reply to Prosecution Response to Motion to Exceed Word Limit in Appeal Brief, 13 January 2011 (confidential), paras 2-4.

CONSIDERING that, pursuant to paragraph (C)(1)(a) of the Practice Direction on the Length of Briefs and Motions (“Practice Direction”), an appellant brief from a final judgement of a Trial Chamber will not exceed 30,000 words;⁷

CONSIDERING that the Tribunal’s word limits for appellant briefs are necessary to ensure the fair and expeditious conduct of the appeal;⁸

CONSIDERING that the Pre-Appeal Judge may, in exceptional circumstances, grant an extension of the word limit set by the Practice Direction;⁹

CONSIDERING that the number of grounds or sub-grounds on appeal is not a factor that in itself provides sufficient reason to enlarge the word limits prescribed by the Practice Direction;¹⁰

CONSIDERING that the quality and effectiveness of an appellant brief does not depend upon length, but upon the clarity and cogency of the arguments presented and that excessively long briefs do not necessarily facilitate the efficient administration of justice;¹¹

CONSIDERING that, in the Extension Decision, I considered that Popović had demonstrated exceptional circumstances for a 10,000-word increase in the word limitation for his appellant brief due to the length of the Judgement and the complexity of the issues that it raises;¹²

FINDING that Popović repeats arguments from his first request and has not demonstrated in the Motion any further exceptional circumstances that would necessitate an additional increase in the word limitation;

⁷ IT/184/Rev. 2, 16 September 2005.

⁸ *Prosecutor v. Dragomir Milošević*, Case No. IT-98-29/1-A, Decision on Defence Motion for Extension of Time to File Appellate Brief and to Increase the Word Limit, 11 August 2008, p. 3.

⁹ Practice Direction, para. (C)(7).

¹⁰ *Prosecutor v. Nikola Šainović*, Case No. IT-05-87-A, Decision on Nikola Šainović’s and Dragoljub Ojdanić’s Joint Motion for Extension of Word Limit, 11 September 2009 (“*Šainović* Decision of 11 September 2009”), p. 3 (citing *Prosecutor v. Naser Orić*, Case No. IT-03-68-A, Decision on Defence Motion for Extension of Word Limit for Defence Appellant’s Brief (“*Orić* Decision”), 6 October 2006, p. 3).

¹¹ *Šainović* Decision of 11 September 2009, p. 4 (citing *Orić* Decision, p. 3).

¹² Extension Decision, p. 6 (citing Decision on Joint Motion for Extension of Time to File Notice of Appeal, 25 June 2010, p. 2).

PURSUANT TO Rule 111 of the Rules of Procedure and Evidence of the Tribunal and paragraph (C)(1) of the Practice Direction,

HEREBY DENY the Motion without prejudice to additional requests for an extension of the word limit set by the Practice Direction on the basis of a demonstration of further exceptional circumstances.

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



Judge Patrick Robinson
Pre-Appeal Judge

Dated this seventeenth day of January 2011
At The Hague
The Netherlands

[Seal of the Tribunal]