

IT-97-25-A  
A98-A96  
26 July 2002

98 kb

**UNITED  
NATIONS**



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-97-25-A

Date: 26 July 2002

Original: English

**BEFORE THE PRE-APPEAL JUDGE**

**Before:** Judge Theodor Meron, Pre-Appeal Judge

**Registrar:** Mr. Hans Holthuis

**Decision of:** 26 July 2002

**PROSECUTOR**

v.

**MILORAD KRNOJELAC**

**DECISION ON PROSECUTION'S REQUEST FOR AUTHORISATION TO  
EXCEED PRESCRIBED PAGE LIMITS**

**Counsel for the Prosecutor:**  
Mr. Christopher Staker

**Counsel for the Defence:**  
Mr. Mihajlo Bakrač

**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,

**BEING SEISED** of the “Prosecution Request for Extension of Page Limit for Prosecution Appeal Brief” filed by the Office of the Prosecutor (the “Prosecution”) on 24 July 2002 (the “Request”);

**NOTING** that the Defence has informed that it does not oppose the Request;

**NOTING** that article (C)1 of the Practice Direction on the Length of Briefs and Motions (IT/184 Rev.1) (the “Practice Direction”) limits an appellant’s brief to “100 pages or 30,000 words, whichever is greater”;

**CONSIDERING** that the Request seeks authorisation to increase the page limit of the Prosecution’s Appellant Brief to 160 pages on the grounds that: (i) “it is in the interests of the efficient administration of justice that all of an appellant’s grounds of appeal be argued fully in the appeal brief”; (ii) “Some of these grounds require detailed reference to the evidence, and others require detailed legal arguments and comparative legal analysis” and (iii) “It is also necessary for the Prosecution to brief certain points of international humanitarian law and international human rights law that have not been previously addressed at the level of the Appeals Chamber of this Tribunal”;

**CONSIDERING** that article (C)7 of the Practice Direction states that a party seeking authorisation to exceed the prescribed page limits “must provide an explanation of the exceptional circumstances that necessitate the oversized filing”;

**CONSIDERING** that the quality and effectiveness of appeal briefs does not depend on their length but on the clarity and cogency of the presented arguments and that, therefore, excessively long briefs do not necessarily serve the cause of an efficient administration of justice;

**CONSIDERING** the circumstances of the present case and the necessity of assuring an expeditious conduct of the appeal proceedings;

**FINDING** that the requested extension of the page limit for the filing of the Prosecution's Appellant Brief appears excessive;

**HEREBY GRANT**, in part, the Request;

**AND ORDER** the Prosecution to file an Appellant's Brief of up to 130 pages.

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



Theodor Meron  
Pre-Appeal Judge

Dated this 26<sup>th</sup> of July 2002,  
At The Hague,  
The Netherlands.

[Seal of the Tribunal]