

THE INTERNATIONAL CRIMINAL TRIBUNAL  
FOR THE FORMER YUGOSLAVIA

CASE No. IT-95-5/18-T

IN TRIAL CHAMBER No. 3

Before: Judge O-Gon Kwon, Presiding  
Judge Howard Morrison  
Judge Melville Baird  
Judge Flavia Lattanzi, Reserve Judge

Registrar: Mr. John Hocking

Date: 19 December 2011

THE PROSECUTOR

v.

RADOVAN KARADZIC

*Public*

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MOTION TO REJECT PROSECUTION RESPONSES

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The Office of the Prosecutor:  
Mr. Alan Tieger  
Ms. Hildegard Uertz-Retzlaff

The Accused:  
Radovan Karadzic

1. Dr. Radovan Karadzic respectfully moves for an order rejecting the *Prosecution's Response to Motion to Recall Twelve Municipality Witnesses* on the grounds that it was filed in violation of the Tribunal's own practice directions.
2. The response is 3571 words. In the body of the motion, the prosecution writes:  
Given the number of witnesses and documents which need to be addressed, the Prosecution requests leave to exceed the word limit for responses by approximately 600 words.<sup>1</sup>
3. The *Practice Direction on the Length of Briefs and Motions*, IT184/Rev 2/16 Sept 2005, limits responses to motions to 3000 words.<sup>2</sup>
4. That *Practice Direction* further provides:  
  
In order to make written submissions exceeding the word limit, the moving party "must seek authorization **in advance** from the Chamber to exceed the word limits in this Practice Direction and must provide an explanation of the exceptional circumstances that necessitate the oversized filing. (emphasis added)
5. The prosecution never sought advance authorization to exceed the word limits for its *Response*.
6. Dr. Karadzic further moves for an order rejecting the *Prosecution's Response to Sixty-Fifth Motion for Finding of Disclosure Violation* (12 December 2011). That pleading is 7,128 words. The prosecution placed 4,705 words in an annex in an attempt to circumvent the word limit. However, the *Practice Direction* provides that only appendices which do not contain legal or factual arguments are exempt from the word limits.<sup>3</sup> The annexes to the response clearly contain factual arguments.
7. This is not the first time the prosecution has failed to comply with the *Practice Direction*. In the *Decision on Accused Motion to Reject Prosecution Motion to Amend the First Amended Indictment* (5 November 2008), the Trial Chamber "exhort[ed] the prosecution to exercise diligence" in regard to the word limit requirement in the future.<sup>4</sup>
8. The prosecution should not be allowed to flagrantly disregard the rules.

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<sup>1</sup> *Response* at para. 3

<sup>2</sup> Para. 5

<sup>3</sup> Para. 6

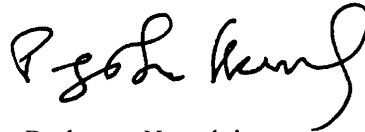
<sup>4</sup> *Decision* at para. 6

9. The Trial Chamber is respectfully requested to reject the *Prosecution's Response to Motion to Recall Twelve Municipality Witnesses* and the *Prosecution's Response to Sixty-Fifth Motion for Finding of Disclosure Violation*.

10. The prosecution may then have the opportunity to shorten its submissions to conform to the length of responses provided in the *Practice Direction* or seek leave in advance to exceed the word limits.

Word count: 459

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Radovan Karadzic', written in a cursive style.

Radovan Karadzic