

**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

IT/155

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**PRACTICE DIRECTION ON PROCEDURE FOR THE FILING OF WRITTEN
SUBMISSIONS IN APPEAL PROCEEDINGS BEFORE
THE INTERNATIONAL TRIBUNAL**

(IT/155)

PRACTICE DIRECTION ON PROCEDURE FOR THE FILING OF WRITTEN SUBMISSIONS
IN APPEAL PROCEEDINGS BEFORE THE INTERNATIONAL TRIBUNAL

INTRODUCTION

In accordance with Sub-rule 19(B) of the Rules of Procedure and Evidence 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 (“Rules” and “International Tribunal” respectively) and having consulted with the Bureau, the Registrar, the Prosecutor and the Appeals Chamber, I issue this Practice Direction in order to establish a procedure for the filing of written submissions in appeal proceedings before the International Tribunal:

APPEALS AGAINST DECISIONS WHERE INTERLOCUTORY APPEAL LIES AS OF RIGHT

1. A party wishing to appeal a decision of a Trial Chamber where an interlocutory appeal lies as of right shall file with the Registrar, in accordance with the Rules, an interlocutory appeal containing:
 - (a) the precise title and date of the appealed decision;
 - (b) a summary of the proceedings before the Trial Chamber relating to the appealed decision;
 - (c) the specific provision of the Rules pursuant to which the appeal is filed;
 - (d) a concise statement as to why it is contended that the provision relied upon is applicable to the appeal;
 - (e) the grounds on which the appeal is made;
 - (f) the relief sought.

2. The opposite party or parties shall file a response within ten days of the filing of the interlocutory appeal. Such a response shall clearly state whether or not the interlocutory appeal is opposed and the grounds therefor. It shall further set out any objection to the applicability of the provision of the Rules relied upon by the appellant as the basis for the appeal.

3. The appellant may file a reply within four days of the filing of the response. The Appeals Chamber may thereafter decide the appeal without further submissions from the parties.

APPEALS AGAINST DECISIONS WHERE INTERLOCUTORY APPEAL LIES ONLY WITH THE LEAVE OF A BENCH OF THREE JUDGES OF THE APPEALS CHAMBER

4. A party wishing to appeal an interlocutory decision of a Trial Chamber which may be appealed only with the leave of a bench of three Judges of the Appeals Chamber shall file with the Registrar, in accordance with the Rules, an application for leave to appeal containing:

- (a) the precise title and date of the decision sought to be appealed;
- (b) a summary of the proceedings before the Trial Chamber relating to the decision sought to be appealed;
- (c) the specific provision of the Rules under which leave to appeal is sought;
- (d) a concise statement as to why it is contended that the applicable criteria for the granting of leave to appeal under the provision relied upon have been met.

5. The opposite party or parties shall file a response within ten days of the filing of the application for leave to appeal. Such a response shall clearly state whether or not the application for leave to appeal is opposed and the grounds therefor. It shall further indicate any objection to the applicability of the provision of the Rules relied upon by the appellant as the basis for the application for leave to appeal.

6. The appellant may file a reply within four days of the filing of the response. The bench of three Judges of the Appeals Chamber may thereafter decide the application for leave to appeal without further submissions from the parties.

7. Where leave to appeal is granted, the appellant shall within ten days of the filing of the decision of the bench of three Judges of the Appeals Chamber file with the Registrar an interlocutory appeal containing:

- (a) the precise title and date of the appealed decision and the decision by a bench of three Judges of the Appeals Chamber granting leave to appeal;
- (b) a summary of the proceedings before the Trial Chamber relating to the appealed decision;
- (c) the specific provision of the Rules pursuant to which the appeal is filed;
- (d) the grounds on which the appeal is made;
- (e) the relief sought.

8. The opposite party or parties shall file a response within ten days of the filing of the interlocutory appeal. This response shall clearly state whether or not the interlocutory appeal is opposed and the grounds therefor.

9. The appellant may file a reply within four days of the filing of the response. The Appeals Chamber may thereafter decide the appeal without further submissions from the parties.

MOTIONS DURING APPEALS AGAINST JUDGMENT

10. Where an appeal has been brought against judgement, a party wishing to move the Appeals Chamber for a specific ruling or relief shall file with the Registrar, in accordance with the Rules, a motion containing:

- (a) the precise ruling or relief sought;
- (b) the specific provision of the Rules under which the ruling or relief is sought;
- (c) the grounds on which the ruling or relief is sought.

11. The opposite party or parties shall file a response within ten days of the filing of the motion. This response shall clearly state whether or not the motion is opposed and the grounds therefor.

12. The moving party may file a reply within four days of the filing of the response. The Appeals Chamber may thereafter decide the motion without further submissions from the parties.

CALCULATION OF TIME

13. The time-limits prescribed under this Practice Direction shall run from, but shall not include, the day upon which the relevant document is filed. Should the last day of a time prescribed fall upon a non-working day of the International Tribunal it shall be considered as falling on the first working day thereafter.

VARIATION OF PROCEDURE

14. The provisions of this Practice Direction are without prejudice to any such orders or decisions that may be made by the Appeals Chamber or a bench of three Judges of the Appeals Chamber. In particular, the Appeals Chamber or a bench of three Judges of the Appeals Chamber may vary any time-limit prescribed under this Practice Direction or recognise as validly done any act done after the expiration of a time-limit so prescribed. The Appeals Chamber may at its discretion entertain oral motions brought in the course of appeals against Judgement.

Gabrielle Kirk McDonald
President