

**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/155 Rev. 4

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

(IT/155 Rev. 4)

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

I. 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 revised Practice Direction in order to establish a procedure for the filing of written submissions in appeal proceedings before the International Tribunal:

II. APPEALS FROM DECISIONS WHERE INTERLOCUTORY APPEAL LIES AS OF RIGHT

1. A party wishing to appeal from a decision of a Trial Chamber (“appellant”) where an interlocutory appeal lies as of right shall file, in accordance with the Rules, an interlocutory appeal containing:

- (a) the precise title and date of filing of the appealed decision;
- (b) a summary of the proceedings before the Trial Chamber relating to the appealed decision including an identification of all relevant documents in the proceedings before the Trial Chamber, clearly stating the title and date of filing of each document or the page number of a transcript;
- (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 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.

III. APPEALS FROM RULE 11 *BIS*, RULE 77 AND RULE 91 DECISIONS

4. A party wishing to appeal from a decision of a Trial Chamber (“appellant”) pursuant to Rule 11 *bis*, Rule 77 or Rule 91 shall file notice of appeal within 15 days of the decision unless the accused was not present or represented when the decision was pronounced, in which case the time-limit shall run from the date on which the accused is notified of the decision;

5. An appellant must file the appeal brief within 15 days after filing the notice of appeal. In accordance with the Rules, the appeal shall contain:

- (a) the precise title and date of filing of the appealed decision;
- (b) a summary of the proceedings before the Trial Chamber relating to the appealed decision including an identification of all relevant documents in the proceedings before the Trial Chamber, clearly stating the title and date of filing of each document or the page number of a transcript;
- (c) the grounds on which the appeal is made;
- (d) the relief sought.

6. The opposite party shall file a response within ten days of the filing of the appeal brief.

7. 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.

8. Paragraph (C)(2) of the Practice Direction on the Length of Briefs and Motions (IT/184/Rev. 2, 14 September 2005) applies to filings under this provision.

IV. APPEALS FROM DECISIONS WHERE CERTIFICATION HAS BEEN GRANTED BY A TRIAL CHAMBER

9. Where certification has been granted by a Trial Chamber, a party shall within seven days of the filing of the decision to certify file an interlocutory appeal containing:

- (a) the precise title and date of filing of the appealed decision and of the decision of the Trial Chamber granting certification;
- (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.

10. The opposite party 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.

11. 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.

V. MOTIONS DURING APPEALS FROM JUDGEMENT

12. Where an appeal has been filed from a judgement, a party wishing to move the Appeals Chamber for a specific ruling or relief (“moving party”) shall file, 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.

13. The opposite party shall file a response within ten days of the filing of the motion or, in the event of a motion pursuant to Rule 115, within 30 days of the motion. This response shall clearly state whether or not the motion is opposed and the grounds therefor.

14. The moving party may file a reply within four days of the filing of the response, or, in the event of a motion pursuant to Rule 115, within 14 days of the response.

15. Where filings are related to a Rule 115 motion, parties are permitted to file supplemental briefs on the impact of the additional evidence within 15 days of the expiry of the time-limit for the filing of rebuttal material, if no such material is filed, or, if rebuttal material is filed, within 15 days of the decision on the admissibility of that material.

VI. CALCULATION OF TIME

16. The time-limits prescribed under this Practice Direction shall run from, but shall not include, the day upon which the relevant document is distributed. 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.

VII. GENERAL REQUIREMENTS FOR THE WRITTEN SUBMISSIONS

17. Where filings of the parties refer to passages in a judgement, decision, transcripts, exhibits or other authorities, they shall indicate precisely the date, exhibit number, page number and paragraph number of the text or exhibit referred to.

18. Any abbreviations or designations used by the parties in their filings shall be uniform throughout. Pages and paragraphs shall be numbered consecutively from the beginning to the end.

VIII. VARIATION OF PROCEDURE

19. The provisions of this Practice Direction are without prejudice to any such orders or decisions that may be made by the Appeals Chamber or Pre-Appeal Judge. In particular, the Appeals Chamber or Pre-Appeal Judge 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.

IX. NON-COMPLIANCE WITH THIS PRACTICE DIRECTION

20. Where a party fails to comply with the requirements laid down in this Practice Direction, or where the wording of a filing is unclear or ambiguous, the Appeals Chamber may, within its discretion, decide upon an appropriate sanction, which can include an order for clarification or re-filing. The Appeals Chamber may also reject a filing or dismiss submissions therein.



Theodor Meron

President