

**UNITED  
NATIONS**

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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. 1

Date: 7 March 2002

Original: French

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

**(IT/155 Rev. 1)**

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**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:

Parts II and III of this practice Direction shall apply *mutatis mutandis* to any appeal, not being an interlocutory appeal, from a decision of a Trial Chamber (that is to say other than appeals from post final judgement).

**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 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 from 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, in accordance with the Rules, an application for leave to appeal containing:

- (a) the precise title and date of filing 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 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 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 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 an interlocutory appeal containing:

- (a) the precise title and date of filing 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 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.

#### **IV. MOTIONS DURING APPEALS FROM JUDGEMENT**

10. 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.

11. The opposite party 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.

#### **V. 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.

## **VI. GENERAL REQUIREMENTS FOR THE WRITTEN SUBMISSIONS**

14. 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.

15. 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.

## **VII. VARIATION OF PROCEDURE**

16. 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.

## **VIII. NON-COMPLIANCE WITH THIS PRACTICE DIRECTION**

17. 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, a bench of three Judges of the Appeals Chamber or 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.

**Signed**

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Claude Jorda

President