

IT-95-14/2-A  
A 2968-A 2965  
18 FEBRUARY 2002

2968 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-95-14/2-A  
Date: 18 February 2002  
Original: English

**IN THE APPEALS CHAMBER**

**Before: Judge David Hunt, Pre-Appeal Judge**

**Registrar: Mr Hans Holthuis**

**Decision of: 18 February 2002**

**PROSECUTOR**

**v.**

**DARIO KORDIĆ  
MARIO ČERKEZ**

**ORDER TO FILE AMENDED GROUNDS OF APPEAL**

**Counsel for the Prosecutor:**

**Mr. Norman Farrell**

**Counsel for Dario Kordić:**

**Mr. Mitko Naumovski**

**Counsel for Mario Čerkez:**

**Mr. Božidar Kovačić**

I, Judge Hunt, Pre-Appeal Judge in this case;

**NOTING** the “Appellant Mario Čerkez’s Brief” and the “Brief of Appellant Dario Kordić”, both dated 9 August 2001;

**NOTING** the “Prosecution’s Appeal Brief”, dated 9 August 2001;

**NOTING** the “Prosecution’s Consolidated Brief in Response to the Appeal Briefs of Dario Kordić and Mario Čerkez”, dated 3 October 2001;

**NOTING** the “Brief of Respondent Dario Kordić”, dated 10 September 2001, and “Respondent Mario Čerkez’s Brief of Argument”, dated 13 September 2001;

**NOTING** that Mario Čerkez and Dario Kordić’s Appellant’s Briefs fail to identify clearly all of their respective grounds of appeal;

**NOTING** that what may be grounds of appeal seem to have been included by them in footnotes rather than in the main text of their Briefs;

**NOTING ALSO** that several grounds of appeal are dealt with together rather than individually, and that such a presentation could lead to unfortunate mis-interpretations;

**NOTING** that the Appellants failed to specify in respect of several grounds of appeal any error which, they allege, was committed by the Trial Chamber;

**CONSIDERING** that, in respect of alleged errors of law, an Appellant must give clear and precise references to relevant provisions of the Statute, the Rules, the jurisprudence of the International Tribunal or other legal authorities relied upon;

**CONSIDERING** that, in respect of alleged errors of fact, an Appellant must support each of his ground of appeal with factual arguments and, if applicable, arguments in support of any objections as to whether a fact has been sufficiently proven;

**CONSIDERING** that an Appellant must support each of his grounds of appeal with arguments in support of the submitted causal link between any alleged error on a question of law invalidating the decision and/or any alleged error of fact which has occasioned a miscarriage of justice;

**CONSIDERING** that, as a matter of clarity, an Appellant should deal with each ground of appeal individually, without ambiguity and in the main text of the briefs, rather than in footnotes or annexes;

**CONSIDERING** that an Appellant must identify the precise relief sought;

**NOTING ALSO** that both Appellants, Dario Kordić and Mario Čerkez, appear to have raised additional grounds of appeal in their Responses to the Prosecution's Appeal Brief rather than in their Appellants' Briefs;

**CONSIDERING** that a Respondent's brief must be limited to arguments made in response to the other party's Appellant's Brief, and that a Respondent's Brief must not contain additional grounds of appeal unless it is an argument contending that an acquittal against which the Prosecution is appealing was justified on additional grounds;

**CONSIDERING** that a Respondent's brief must contain a statement as to whether or not the relief sought by the Appellant and/or the ground of appeal is opposed, and it should contain clear and precise arguments in support of these statements;

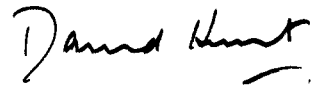
**PURSUANT TO** Rule 54 and 65*ter* of the Rules of Procedure and Evidence;

**HEREBY ORDER** that

1. Each of the Appellants, Dario Kordić and Mario Čerkez, is to file a new document clearly and concisely listing each and every one of their respective grounds of appeal. Each Appellant is to identify in this document the pages and paragraphs where each one of these grounds of appeal are being dealt with in their respective Appellant's Briefs. The Appellants may not raise additional grounds of appeal which were not contained in their original Appellants' Briefs without seeking leave to add them to their Appellants' Briefs.
2. In addition, each Appellant is to state concisely the manner in which the Trial Chamber is alleged to have committed an error in respect of each of these grounds of appeal.

3. If the Appellants list grounds of appeal which were not sufficiently apparent in their Appellants' Briefs, the Prosecution may seek leave to file a further Response to the Appellants' Briefs to address those grounds of appeal in more detail. The Appellants will not be granted a right to reply unless leave to do so is granted by the Appeals Chamber.

Done in English and French, the English version being authoritative.



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David Hunt  
Pre-Appeal Judge

Done this 18<sup>th</sup> of February 2002,  
At The Hague,  
The Netherlands.

**[Seal of the Tribunal]**