



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 &
14/2-R77-A
Date: 6 October 2006
Original: English

IN THE APPEALS CHAMBER

Before: Judge Mohamed Shahabuddeen
Judge Mehmet Güney
Judge Andréia Vaz
Judge Theodor Meron
Judge Wolfgang Schomburg

Registrar: Mr. Hans Holthuis

Decision: 6 October 2006

PROSECUTOR

v.

Josip JOVIĆ

DECISION ON PROSECUTION REQUEST FOR DIRECTION

The Office of the Prosecutor:

Mr. Peter M. Kremer, QC

Counsel for the Appellant:

Mr. Krešimir Krsnik

THE APPEALS CHAMBER 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 (“Appeals Chamber” and “International Tribunal”, respectively),

NOTING the “Decision on Prosecution Motion for Order Striking Notice of Appeal and Requiring Refiling”, rendered in this case by the Appeals Chamber on 29 September 2006 (“Decision of 29 September 2006”), in which the Appeals Chamber, *inter alia*, granted the Prosecution’s motion to strike the Appellant’s Notice of Appeal; ordered the Appellant to re-file a Notice of Appeal within 10 days of the filing of that decision, in accordance with the requirements of Rule 108 of the Rules of Procedure and Evidence and paragraph 1 of the Practice Direction on Formal Requirements for Appeals from Judgement; and ordered the Appellant to file his Appeal Brief within one week of the re-filing of the Notice of Appeal;

NOTING the “Appellant’s Brief of the Accused Josip Jović” (“Appeal Brief”), filed on 29 September 2006;

BEING SEIZED with the “Prosecution’s Request for Direction”, filed on 4 October 2006, in which the Prosecution requests confirmation from the Appeals Chamber that the Appeal Brief is invalid and that the Appellant must comply with the Decision of 29 September 2006;

CONSIDERING that the Appeal Brief is invalid as it is consequent upon an invalid Notice of Appeal;

CONFIRMS that the interpretation of the Decision of 29 September 2006 is that any appeal brief so far filed by the Appellant is null and void and that, therefore, the Appellant must re-file his Appeal Brief within one week of the re-filing of the Notice of Appeal, in accordance with that decision.

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

6 October 2006

The Hague

The Netherlands.



Mohamed Shahabuddeen
Presiding Judge

[Seal of the International Tribunal]