

**UNITED  
NATIONS**

MC



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-05-88/2-A  
Date: 4 September 2013  
Original: English

**IN THE APPEALS CHAMBER**

**Before:** Judge Theodor Meron, Presiding  
Judge Mehmet Güney  
Judge Liu Daqun  
Judge Khalida Rachid Khan  
Judge Bakhtiyar Tuzmukhamedov

**Registrar:** Mr. John Hocking

**Decision of:** 4 September 2013

**PROSECUTOR**

v.

**ZDRAVKO TOLIMIR**

***PUBLIC***

---

**DECISION ON TOLIMIR'S MOTION FOR VARIATION OF  
THE GROUNDS OF APPEAL AND AMENDMENT OF THE  
APPEAL BRIEF**

---

**The Office of the Prosecutor:**

Mr. Paul Rogers

**The Accused:**

Mr. Zdravko Tolimir

1. 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 “Tribunal”, respectively) is seised of the “Motion for Variation of the Grounds of Appeal and Amendment of the Appeal Brief” (“Motion”), filed by Zdravko Tolimir (“Tolimir”) on 6 August 2013. The Office of the Prosecutor (“Prosecution”) filed a response on 15 August 2013.<sup>1</sup> On 20 August 2013 Tolimir filed a reply.<sup>2</sup>

## I. BACKGROUND

2. On 12 December 2012, Trial Chamber II convicted Tolimir pursuant to Article 7(1) of the Tribunal’s Statute (“Statute”) of genocide, conspiracy to commit genocide, murder as a violation of the laws or customs of war, as well as extermination, persecutions, and inhumane acts through forcible transfer as crimes against humanity<sup>3</sup> and sentenced him to life imprisonment.<sup>4</sup> Tolimir filed his Notice of Appeal on 11 March 2013, listing 41 grounds of appeal.<sup>5</sup> On 6 June 2013, the official B/C/S translation of the Trial Judgement was made available.<sup>6</sup> On 28 June 2013, Tolimir filed his Appeal Brief,<sup>7</sup> in which, *inter alia*, he discontinued five grounds of appeal and indicated that due to the word limit he was not able to present arguments in support of some other grounds of appeal.<sup>8</sup> At the status conference on 5 July 2013, Tolimir clarified his position to maintain these grounds of appeal and the Pre-Appeal Judge ordered Tolimir to file a supplement to his Appeal Brief no later than 19 July 2013 and the Prosecution to file its response brief no later than 9 September 2013.<sup>9</sup> On 19 July 2013 Tolimir filed a supplemental appeal brief (“Supplemental Appeal Brief”).<sup>10</sup> On 9 July 2013 the Pre-Appeal Judge ordered that any motion seeking variation of the Notice of Appeal based upon the B/C/S translation of the Trial Judgement be filed no later than 6 August 2013.<sup>11</sup>

<sup>1</sup> Prosecution Response to Tolimir’s Motion for Variation of the Grounds of Appeal and Amendment of the Appeal Brief, 15 August 2013 (“Response”).

<sup>2</sup> Reply to the Prosecution’s Response to Tolimir’s Motion for Variation of the Grounds of Appeal and Amendment of the Appeal Brief, confidential, 20 August 2013 (“Reply”).

<sup>3</sup> *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-T, Judgement, 12 December 2012 (“Trial Judgement”), para. 1239.

<sup>4</sup> Trial Judgement, para. 1242.

<sup>5</sup> Zdravko Tolimir’s Notice of Appeal, 11 March 2013.

<sup>6</sup> *Prosecutor v. Zdravko Tolimir*, Case No. IT-05-88/2-T, Presuda, 6 June 2013 (public, with confidential Annex C).

<sup>7</sup> Zdravko Tolimir’s Appeal Brief, 28 June 2013 (“Appeal Brief”). *See also* Decision on Motion for Setting a Time Limit for Filing an Appellant’s Brief and for an Extension of Word Limit, 17 May 2013, p. 4 (allowing Tolimir to file an Appeal Brief of no more than 40,000 words no later than 21 June 2013); Decision on Tolimir’s Request for Extension of Time for Filing an Appellant’s Brief, 17 June 2013, p. 2 (allowing Tolimir to file an appeal brief no later than 28 June 2013).

<sup>8</sup> Appeal Brief, para. 5. The Appeals Chamber notes that the Appeal Brief did not contain arguments in support of 18 grounds of appeal.

<sup>9</sup> T. 5 July 2013 pp. 6-8.

<sup>10</sup> Supplemental Appeal Brief, 19 July 2013.

<sup>11</sup> Decision on Tolimir’s Request for a Time-Limit to Amend his Notice of Appeal and his Appeal Brief, 9 July 2013 (“Decision of 9 July 2013”), p. 2.

3. In the Motion, Tolimir seeks leave: (i) to file an amended notice of appeal, based on his review of the B/C/S translation of the Trial Judgement and because of the word limit and his decision to discontinue certain grounds of appeal; and (ii) to amend his Appeal Brief in order to implement the proposed amendments, introduce new arguments based on his review of the translated Trial Judgement, and to file a consolidated appeal brief.<sup>12</sup> The Prosecution opposes Tolimir's request insofar as he seeks leave to amend his Notice of Appeal and Appeal Briefs through changing headings, renumbering grounds of appeal and filing a consolidated appeal brief, and further opposes Tolimir's request for leave to amend his Appeal Brief in order to develop new arguments.<sup>13</sup>

## II. APPLICABLE LAW

4. Pursuant to Rule 108 of the Tribunal's Rules of Procedure and Evidence ("Rules"), the Appeals Chamber "may, on good cause being shown by motion, authorise a variation of the grounds of appeal" contained in the notice of appeal. Such a motion should be submitted as soon as possible after identifying the newly alleged error or after discovering any other basis for seeking a variation of the notice of appeal.<sup>14</sup> It is the appellant's burden to explain precisely what amendments are sought and to demonstrate that each proposed amendment meets the "good cause" requirement of Rule 108 of the Rules.<sup>15</sup>

5. The concept of "good cause" encompasses both good reason for including the new or amended grounds of appeal sought and good reason why those grounds were not included (or were not correctly articulated) in the original notice of appeal.<sup>16</sup> The Appeals Chamber has considered, *inter alia*, the following factors in determining whether "good cause" exists: (i) the variation is minor and does not affect the content of the notice of appeal; (ii) the opposing party would not be prejudiced by the variation or has not objected to it; and (iii) the variation would bring the notice of appeal into conformity with the appeal brief.<sup>17</sup> Where an appellant seeks a substantive amendment broadening the scope of the appeal, "good cause" might also, under certain circumstances, be

<sup>12</sup> Motion, paras 1, 3, 20-21.

<sup>13</sup> Response, paras 1-3.

<sup>14</sup> *Prosecutor v. Nikola Šainović et al.*, Case No. IT-05-87-A, Decision on Sreten Lukić's Re-Filed Second Motion for Leave to Vary His Notice of Appeal and Appeal Brief, 9 September 2011 ("Šainović et al. Decision of 9 September 2011"), para. 5, and reference cited therein.

<sup>15</sup> Šainović et al. Decision of 9 September 2011, para. 5.

<sup>16</sup> Šainović et al. Decision of 9 September 2011, para. 6; *Prosecutor v. Ljube Boškoski and Johan Tarčulovski*, Case No. IT-04-82-A, Decision on Johan Tarčulovski's Motion for Leave to Present Appellate Arguments in Order Different from that Presented in Notice of Appeal, to Amend the Notice of Appeal, and to File Sur-Reply, and on the Prosecution's Motion to Strike, 26 March 2009 ("Boškoski and Tarčulovski Decision"), para. 17; *Prosecutor v. Vidoje Blagojević and Dragan Jokić*, Case No. IT-02-60-A, Decision on Motion of Dragan Jokić for Leave to File Third Amended Notice of Appeal and Amended Appellate Brief, 26 June 2006 ("Blagojević and Jokić Decision"), para. 7.

<sup>17</sup> Šainović Decision of 9 September 2011, para. 6; *Boškoski and Tarčulovski* Decision, para. 17; *Blagojević and Jokić* Decision, para. 7.

established. The Appeals Chamber recalls that no cumulative list of requirements has been established for a substantive amendment to be granted. Rather, each proposed amendment is to be considered in light of the particular circumstances of the case.<sup>18</sup>

6. The jurisprudence of the Tribunal establishes that the criteria for variation of grounds of appeal should be interpreted restrictively at the stages in the appeal proceedings when amendments would necessitate a substantial slowdown in the progress of the appeal – for instance, when such amendments would require briefs to be revised and re-filed.<sup>19</sup> To hold otherwise would leave appellants free to change their appeal strategy and essentially restart the appeal process at will, interfering with the expeditious administration of justice and prejudicing the other parties to the proceedings.<sup>20</sup>

### III. DISCUSSION

#### A. Submissions of the Parties

7. Tolimir seeks leave to amend his Notice of Appeal in the following ways:

- (1) discontinuing a number of grounds of appeal and deleting references to them;<sup>21</sup>
- (2) renumbering and reordering the grounds of appeal, in view of the discontinuance of several grounds of appeal and in the interest of presenting the remaining grounds of appeal in a logical order;<sup>22</sup>
- (3) amending one of his grounds of appeal to add one additional error of law, in order to bring the Notice of Appeal into conformity with the Appeal Brief;<sup>23</sup>
- (4) amending certain grounds of appeal, in order to bring the Notice of Appeal into conformity with the Appeal Brief or to include submissions from discontinued grounds;<sup>24</sup>

<sup>18</sup> *Šainović et al.* Decision of 9 September 2011, para. 6; *Boškoski and Tarčulovski* Decision, para. 17.

<sup>19</sup> *Šainović et al.* Decision of 9 September 2011, para. 8. See also *Boškoski and Tarčulovski* Decision, para. 18.

<sup>20</sup> *Šainović et al.* Decision of 9 September 2011, para. 8.

<sup>21</sup> Motion, paras 12, 14, 19. The following grounds of appeal from the Notice of Appeal have been discontinued: 3, 6, 8, 10, 11, 12, 19, 20, 21, 23, 24, 26, 27, 30, 36, 39. See Motion, paras 5, 19. In para. 5 of the Motion, Tolimir seeks permission to renumber ground 20 to ground 13. The Appeals Chamber notes that Tolimir had previously indicated his wish to discontinue ground 20 (Appeal Brief, para. 5) and that, as evident from the Amended Notice of Appeal annexed to the Motion, the proposed new ground 13 corresponds to ground 22 of the Notice of Appeal. The Appeals Chamber accepts that the reference to ground 20 in para. 5 of the Motion is in error and should read as a reference to ground 22.

<sup>22</sup> Motion, paras 5, 16.

<sup>23</sup> Motion, para. 6.

<sup>24</sup> Motion, paras 8, 10, 12-13, 15.

- (5) changing the headings of certain grounds of appeal,<sup>25</sup>
- (6) adding additional references to the Trial Judgement or other grounds of appeal,<sup>26</sup> and
- (7) correcting typographical errors.<sup>27</sup>

Further, Tolimir seeks leave to: (i) amend his Appeal Brief in order to implement the proposed changes to his Notice of Appeal and to introduce new arguments in the Appeal Brief based on his review of the B/C/S translation of the Trial Judgement; and (ii) to file a consolidated appeal brief.<sup>28</sup>

8. The Prosecution accepts Tolimir's request to modify his Notice of Appeal to bring it into conformity with his Appeal Brief and Supplemental Appeal Brief, by including additional paragraph references to the Trial Judgement, deleting discontinued arguments, and correcting typographical errors, but opposes Tolimir's request to amend his Notice of Appeal through changing headings, renumbering grounds of appeal, and filing a consolidated appeal brief.<sup>29</sup> It submits that, at this stage of proceedings and in the drafting process, such an exercise would cause "unnecessary and time-consuming additional work simply for the sake of form", require unnecessary additional filings, and waste the Tribunal's resources.<sup>30</sup> The Prosecution also objects to Tolimir's request for leave to amend his Appeal Brief to develop new arguments.<sup>31</sup> It argues that since Tolimir has not identified those new arguments in his amended notice of appeal, he cannot seek to amend his briefs with those arguments.<sup>32</sup> The Prosecution points out that Tolimir has already been granted an extension of time to file his brief so that he could review the B/C/S translation of the Trial Judgement and permit his legal advisor to incorporate Tolimir's comments into his brief.<sup>33</sup> Further, it contends that Tolimir fails to explain what the new arguments are, why they are of substantial importance to his appeal, or why a further review of the Judgement was required to identify those new errors.<sup>34</sup>

9. Tolimir replies that the filing of a consolidated appeal brief will not require the Prosecution to spend a significant amount of time redrafting its response brief since the proposed consolidated appeal brief will include an annex with a detailed table of all the amendments to the original

<sup>25</sup> Motion, paras 7, 9, 13-14.

<sup>26</sup> Motion, paras 8, 17.

<sup>27</sup> Motion, para. 18.

<sup>28</sup> Motion, paras 20-21. *See also* Reply, para. 2.

<sup>29</sup> Response, para. 1.

<sup>30</sup> Response, para. 2.

<sup>31</sup> Response, para. 3.

<sup>32</sup> Response, para. 3.

<sup>33</sup> Response, para. 3.

<sup>34</sup> Response, para. 3.

briefs.<sup>35</sup> Tolimir avers that the proposed new arguments to be added to the consolidated appeal brief are all based on his review of the B/C/S translation of the Trial Judgement, and that in cases where the appellant has been represented by counsel, the Appeals Chamber has granted leave to amend appeal briefs following the appellant's review of the trial judgement in a language he understands.<sup>36</sup> Tolimir states that none of the new arguments proposed to be added to the consolidated appeal brief would require an amendment to the Notice of Appeal.<sup>37</sup>

## B. Analysis

### 1. Proposed amendments to the Notice of Appeal

10. The Appeals Chamber notes that Tolimir's request to modify his Notice of Appeal to bring it into conformity with his Appeal Brief and Supplemental Appeal Brief, the deletion of the discontinued grounds of appeal in the Notice of Appeal and references to these, the inclusion of additional paragraph references to the Trial Judgement, and the correction of typographical mistakes<sup>38</sup> are all minor amendments in terms of substance and have not been objected to by the Prosecution. Allowing such variations would not result in any undue delay in the appeals proceedings.<sup>39</sup> The Appeals Chamber is thus satisfied that these proposed amendments meet the "good cause" requirement of Rule 108 of the Rules.<sup>40</sup>

11. As to Tolimir's request for leave to change headings and renumber and reorder the grounds of appeal in the Notice of Appeal in light of the discontinuance of a substantial number of grounds of appeal, the Appeals Chamber has taken into account the Prosecution's objection. The Appeals Chamber notes that the proposed amended notice of appeal contains substantial structural changes and that the Prosecution has not yet submitted its brief in response. In these circumstances, the Appeals Chamber considers that such amendments would help to clarify and simplify the Notice of Appeal, making it easier to identify the retained issues, and thereby benefit the expeditious administration of justice in the long term. Any potential prejudice to the Prosecution in terms of necessitating further work on its response brief at an advanced stage in the drafting process may be remedied by granting an extension of time to respond. The Appeals Chamber is thus satisfied that these proposed amendments meet the "good cause" requirement of Rule 108 of the Rules.

<sup>35</sup> Reply, para. 2.

<sup>36</sup> Reply, para. 3. Tolimir does not cite any decisions of the Appeals Chamber.

<sup>37</sup> Reply, para. 3.

<sup>38</sup> Motion, paras 4, 6, 8, 10-12, 14-15, 17-19.

<sup>39</sup> See *Blagojević and Jokić* Decision, para. 13.

<sup>40</sup> See *Prosecutor v. Šainović et al.*, Case No. IT-05-87-A, Decision on Nebojša Pavković's Motion to Amend his Notice of Appeal, 9 September 2009 ("*Šainović et al.* Decision of 9 September 2009"), para. 11.

12. With regard to Tolimir's request for leave to amend one of his grounds of appeal to introduce an additional error of law in the Trial Judgement,<sup>41</sup> the Appeals Chamber notes Tolimir's submission that this amendment will bring the Notice of Appeal in conformity with his Appeal Brief.<sup>42</sup> While errors of law are usually identifiable by an appellant's counsel prior to the translation of the judgement,<sup>43</sup> Tolimir is self-represented and has only the assistance of a legal advisor. It is therefore reasonable to conclude that Tolimir's proposed amendment required his direct input following the reading of the B/C/S translation of the Trial Judgement. Furthermore, the Prosecution has not specifically objected to this amendment. The inclusion of this legal error in an amended notice of appeal would not unduly interfere with the expeditious administration of justice as this argument is already reflected in Tolimir's Appeal Brief<sup>44</sup> and does not reflect a change to an appeal strategy by Tolimir subsequent to reading the Prosecution's response brief. In such circumstances, the Appeals Chamber is satisfied that there is good cause for allowing the requested amendment.

## 2. Proposed Consolidated Appeal Brief

13. Tolimir seeks leave to file a consolidated appeal brief, implementing the proposed amendments to the Notice of Appeal.<sup>45</sup> As held above, the Appeals Chamber is satisfied that the proposed amendments to the Notice of Appeal meet the "good cause" requirement of Rule 108. The Prosecution objects to amendments to Tolimir's Appeal Brief and his Supplemental Appeal Brief on the grounds that this would require the Prosecution to substantially change its draft response brief which is at an advanced stage of preparation.<sup>46</sup> The Appeals Chamber considers that in the circumstances of the present case, a consolidated appeal brief would help to clarify and simplify the retained issues, and thereby contribute to the expeditious administration of justice in the long term. Any potential prejudice to the Prosecution in terms of necessitating further work on its response brief at an advanced stage in the drafting process may be remedied by granting an extension of time to respond.

14. Turning to Tolimir's request to introduce new arguments in the consolidated appeal brief based on his review of the B/C/S translation of the Trial Judgement,<sup>47</sup> the Appeals Chamber notes that while no specific provision of the Rules explicitly regulates the possibility for the parties to supplement their briefs on appeal, it has been recognised in the jurisprudence of the Tribunal that an appellant may supplement his or her brief, pursuant to Rule 127(A)(ii) and (B) of the Rules, by

---

<sup>41</sup> Motion, para. 6.

<sup>42</sup> Motion, para. 6.

<sup>43</sup> See *Šainović et al.* Decision of 9 September 2011, para. 18.

<sup>44</sup> Appeal Brief, para. 46.

<sup>45</sup> Motion, paras 20-21.

<sup>46</sup> Response, paras 1-2.

<sup>47</sup> Motion, para. 21.

filing the said supplement with sufficient reasons constituting good cause for the Appeals Chamber to recognise it as validly filed.<sup>48</sup> In particular, the appellant must show that the proposed supplemental submissions are relevant to his grounds of appeal and add substantial new information to the submissions which have already been made.<sup>49</sup> Furthermore, the Appeals Chamber has recognised that the same logic as applicable to interpreting the “good cause” requirement for amending a notice of appeal may be applied while examining applications to supplement an appellant’s brief, *i.e.* there must be both good reason for including the new arguments and good reason showing why arguments were not included in the original appeal brief.<sup>50</sup>

15. The Appeals Chamber has acknowledged that the unavailability of the B/C/S translation of the trial judgement at the time when the notice of appeal was filed would prevent the identification of alleged errors to which the appellant’s understanding of the trial judgement is central.<sup>51</sup> For this reason, the Appeals Chamber has previously considered the availability of the trial judgement in a language an appellant understands as potentially constituting good cause for filing a supplementary brief.<sup>52</sup> In the present case, the appellant is self-represented and not known to be competent in the English language. While Tolimir is assisted by a legal advisor, this assistance does not change the fact that it is Tolimir who carries the main burden of preparing his submissions and identifying potential errors of law and fact.<sup>53</sup> The Appeals Chamber recalls that while an appellant representing himself “must accept responsibility for the disadvantages this choice may bring”, it also recognises the “heightened concerns regarding the basic fairness of proceedings” for self-represented appellants.<sup>54</sup> Bearing this in mind, and considering that given his lack of competence in the English language, Tolimir was not in the position to work on the preparation of the Appeal Brief before the B/C/S translation of the Trial Judgement became available, the Appeals Chamber considers that Tolimir demonstrates good reason for not including these arguments in the original Appeal Brief. The fact that Tolimir was previously granted a one week extension of time to file his brief, partly

<sup>48</sup> *Prosecutor v. Miroslav Bralo*, Case No. IT-95-17-A, Decision On Miroslav Bralo’s Motion for Leave to Supplement Appeal Brief in Light of New Information Concerning Ex Parte Portion of the Trial Record, 9 January 2007 (“*Bralo* Decision”), para. 9; *Prosecutor v. Željko Mejačić*, Case No. IT-02-65-AR11bis.1, Decision on Joint Defense Motion for Leave to File Supplemented Appeals Brief, 16 November 2005 (“*Mejačić* Decision”), pp. 3-4; *Prosecutor v. Željko Mejačić*, Case No. IT-02-65-AR11bis.1, Decision on Joint Defense Motion for Enlargement of Time to File Appellants’ Brief, 30 August 2005, p. 3.

<sup>49</sup> *Bralo* Decision, para. 9, and references cited therein.

<sup>50</sup> *Bralo* Decision, para. 10.

<sup>51</sup> *Šainović et al.* Decision of 9 September 2011, para. 17; *Šainović et al.* Decision of 9 September 2009, para. 10.

<sup>52</sup> *Mejačić* Decision, p. 4. See also *Šainović et al.* Decision of 9 September 2011, para. 18.

<sup>53</sup> *Cf. Mejačić* Decision, p. 4 (rejecting the availability of the translated decision (pursuant to Rule 11bis) as constituting good cause for filing a supplementary appeal brief because the appellant was represented by counsel, who had the “main burden” in preparing the submissions and who were “accepted by the International Tribunal as being competent in the English language” and were thereby able to work on the appeal brief prior to the B/C/S translation of the decision).

<sup>54</sup> *Prosecutor v. Momčilo Krajišnik*, Case No. IT-00-39-A, Decision on Momčilo Krajišnik’s Motion to Reschedule Status Conference and Permit Alan Dershowitz to Appear, 28 February 2008, para. 6, and references cited therein. See also *Prosecutor v. Momčilo Krajišnik*, Case No. IT-00-39-A, Judgement, para. 651.



because of the delay in availability of the B/C/S translation of the Trial Judgement,<sup>55</sup> does not undermine this conclusion since the Appeals Chamber's Decision of 9 July 2013 explicitly recognised that further variations to the Notice of Appeal might be warranted following Tolimir's review of the translated Trial Judgement.<sup>56</sup>

16. The Appeals Chamber notes that, given that the Prosecution has not yet filed a response brief, accepting the Motion to add new arguments to the consolidated appeal brief would necessitate only one new filing and would not cause a substantial delay in proceedings. Any potential prejudice caused to the Prosecution in terms of its need to respond to the new arguments and redraft portions of its draft brief may be addressed by an appropriate extension of time to respond.<sup>57</sup>

17. The Appeals Chamber is not currently in the position to assess whether there is good reason to include the new arguments, in particular, whether they are relevant to Tolimir's grounds of appeal and add substantial new information to the submissions which have already been made. However, in the interest of the expeditious administration of justice, the Appeals Chamber will allow Tolimir to include the new arguments in the consolidated appeal brief, but it will not consider any new argument that does not fulfil these requirements. Further, while Tolimir has indicated that his new arguments fall within his Notice of Appeal,<sup>58</sup> the Appeals Chamber notes that any additional argument included in Tolimir's consolidated appeal brief that goes beyond the grounds of appeal listed in the amended Notice of Appeal would not be considered, unless it is accepted through a motion to amend the Notice of Appeal under Rule 108 of the Rules.<sup>59</sup>

#### IV. DISPOSITION

18. In light of the findings above, the Appeals Chamber **GRANTS** the Motion and **ORDERS**:

- (1) Tolimir to file an amended notice of appeal, within five days of the filing of this decision;

<sup>55</sup> Decision of 17 June 2013, pp. 1-2

<sup>56</sup> Decision of 9 July 2013, pp. 1-2.

<sup>57</sup> See *Blagojević and Jokić* Decision, para. 21.


<sup>58</sup> Reply, para. 3.

<sup>59</sup> The Appeals Chamber recalls that the only formal requirement under the Rules is that the notice of appeal contains a list of the grounds of appeal, it does not need to detail the arguments that the parties intend to use in support of the grounds of appeal, the place for detailed arguments being the Appellant's brief. See *Prosecutor v. Ljube Bošković and Johan Tarčulovski*, Case No. IT-04-82-A, Judgement, 19 May 2010, para. 246; Practice Direction on Formal Requirements for Appeals from Judgement (IT/201) of 7 March 2002, para. 1(c)(i) and (ii). See also *Prosecutor v. Momčilo Krajišnik*, Case No. IT-00-39-A, Decision on Prosecution's Motion for Clarification and Reconsideration of the Decision of 28 February 2008, 11 March 2008, para. 10 (“[a] notice of appeal need not enumerate the precise contours that an argument will take [...] however, [...] the arguments [...] advance[d] must be within the ambit of issues [...] set forth in [the] notice of appeal”).

- (2) Tolimir to file a consolidated appeal brief within 20 days of the filing of this decision, indicating which paragraphs and/or line numbers contain new arguments not included in the original Appeal Brief or the Supplemental Appeal Brief;
- (3) the Prosecution to file a response brief within 21 days of the filing of the consolidated appeal brief.
- (4) Tolimir to file a brief in reply within 15 days of the filing of the response brief.

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

Done this fourth day of September 2013,  
At The Hague,  
The Netherlands.



Judge Theodor Meron  
Presiding Judge

**[Seal of the Tribunal]**