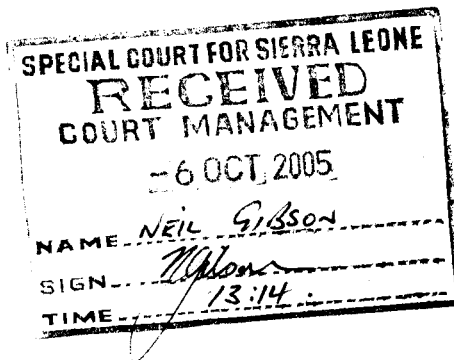




SPECIAL COURT FOR SIERRA LEONE

Practice Direction on Filing Documents before the Special Court for Sierra Leone

Adopted on 27 February 2003
Amended on 1 June 2004
Amended 10 June 2005



PREAMBLE

The Registrar of the Special Court for Sierra Leone (hereinafter “Special Court”),

Considering the Statute of the Special Court for Sierra Leone (hereinafter “Statute”) as annexed to the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court for Sierra Leone, signed on 16 January 2002, and in particular Article 16 thereof;

Considering the Rules of Procedure and Evidence of the Special Court for Sierra Leone (hereinafter “Rules”) as applicable pursuant to Article 14 of the Statute;

Hereby issues the Practice Direction on Filing of Documents before the Special Court for Sierra Leone (hereinafter “Practice Direction”) pursuant to Rule 33 (D) of the Rules.

Article 1 – General Principles

- (A) Documents to be filed before the Special Court in accordance with the Rules shall be submitted to the Court Management Section of the Special Court.
- (B) Thereafter, the Court Management Section shall be responsible for the service of the filed documents, except where Article 13 (D) of this Practice Direction applies.

Article 2 – Forms

The forms used by the Special Court with respect to the filing and service of documents shall be in a standard format issued by the Court Management Section. They shall be made available to the public.

Article 3 – Opening and Numbering of Case Files

- (A) The Court Management Section shall open a new case file upon filing of:
- (i) an application for deferral under Rule 9 of the Rules;
 - (ii) an indictment submitted by the Prosecutor for review and approval under Rule 47 of the Rules; or
 - (iii) a request for the transfer and provisional detention of a suspect under Rule 40 *bis* of the Rules.
- (B) Only one case file shall be opened for each case. If two or more accused who are separately indicted are jointly tried, the original case files shall be closed and a new case file with a new case number shall be opened. If two or more accused who are jointly indicted are separately tried, the initial case file shall be separated and new case files with new case numbers

shall be opened. A case file may be placed in several folders, whether public or confidential, which folders shall be numbered sequentially.

- (C) The following symbols shall be used in assigning a case number (e.g., SCSL-03-01-PD-001):
- (i) SCSL = Special Court for Sierra Leone;
 - (ii) 03 = Year in which the indictment was submitted for review and approval under Rule 47 of the Rules, the request for transfer and provisional detention was filed under Rule 40*bis* of the Rules or the application for deferral was made under Rule 9 of the Rules;
 - (iii) 01 = Sequential number of the case, e.g. the first case to come before the Special Court;
 - (iv) PD = Transfer and Provisional Detention;
I = Indictment;
D = Deferral;
PT = Pre-Trial;
T = Trial;
Tbis = Re-trial following a decision of the Appeals Chamber;
A = Appellate Proceedings;
Rev = Review Proceedings; and
 - (v) 001 = Number of the document.

Article 4 – Format of Documents

- (A) All documents shall have the following information on the cover page:
- (i) the case number;
 - (ii) the Judge or Chamber before which the document is filed;
 - (iii) the date of filing;
 - (iv) the title of the document;
 - (v) the type of the document (PUBLIC, CONFIDENTIAL or EX PARTE); and
 - (vi) the Parties and/or any other State, organization or person that shall receive the document filed.
- (B) Where a Party, State, organization or person seeks to file all or part of a document on a confidential basis, the party shall mark the document as “CONFIDENTIAL” and indicate, on the relevant Court Management Section form, the reasons for the confidentiality. The Judge or Chamber shall thereafter review the document and determine whether confidentiality is necessary.

Documents that are not filed confidentially may be used in press releases and be posted on the official website of the Special Court.

- (C) Each page of the document shall have the case number indicated as a footer.
- (D) Each page of the document shall be one-sided.
- (E) The title of the document shall be as concise as possible.
- (F) Documents shall be submitted on A4 or 8^{1/2} x 11 inch size paper. Margins shall be at least 2.5 centimeters on all four sides. All documents shall be paginated, excluding the cover sheet.
- (G) The typeface shall be 12 point, “Times New Roman” font, with 1.5 line spacing. An average page shall contain a maximum of 300 words.
- (H) Documents shall not be bound or stapled and shall not contain dividers, post-it indexes or flags.
- (I) Only the original document shall be submitted to Court Management Section. No supplementary copies shall be accepted. Copies of photographs, audio tapes and video tapes which are submitted as part of the filing shall be provided in sufficient number for service on the Judge or Chamber before which the document is filed, the Parties and/or any State, organization or person that shall be served with the document.
- (J) The document shall be signed with a clear indication of the name of the person who signed it.

Article 5 – Contents of Documents

Documents filed before a Judge or Chamber shall contain the following:

- (i) a brief of the argument;
- (ii) affidavit(s) or solemn declaration(s) affirming contentious facts, if the Party, State, organization or person filing the document requires the Judge or Chamber to make a determination on a question of fact; and
- (iii) a list of authorities referred to in the document and copies of those authorities, as provided in Article 7 (A) of this Practice Direction.
- (iv) any reference to a previously filed document shall include the court record document number in addition to the title and date of that document.

Article 6 – Length of Documents

- (A) Pre-trial briefs shall not exceed 50 pages or 15,000 words, whichever is greater.

- (B) Final trial submissions shall not exceed 200 pages or 60,000 words, whichever is greater.
- (C) Preliminary motions, motions, responses to such motions and replies to such shall not exceed 10 pages or 3,000 words, whichever is greater.
- (D) Interlocutory appeals against decisions on motions shall be subject to the following:
- (i) For leave to appeal:
 - (a) the motion of a Party seeking leave to pursue an interlocutory appeal shall not exceed 15 pages or 4,500 words, whichever is greater;
 - (b) the response to such a motion shall not exceed 15 pages or 4,500 words, whichever is greater; and
 - (c) the reply to such a response shall not exceed 7 pages or 2,100 words, whichever is greater.
 - (ii) For merits of interlocutory appeals:
 - (a) the brief of an Appellant in an interlocutory appeal shall not exceed 30 pages or 9,000 words, whichever is greater;
 - (b) the response brief of a Respondent in an interlocutory appeal shall not exceed 30 pages or 9,000 words, whichever is greater; and
 - (c) the reply brief of an Appellant in an interlocutory appeal shall not exceed 10 pages or 3,000 words, whichever is greater.
- (E) Appeals against judgments and sentences shall be subject to the following:
- (i) The brief of an Appellant against a judgment or a sentence shall not exceed 100 pages or 30,000 words, whichever is greater. Where the Prosecutor, as Appellant, files a consolidated brief against additional Respondents, a further 35 pages or 10,000 words, whichever is greater, may be filed in respect of each additional Respondent;
 - (ii) The response brief of a Respondent on an appeal against a judgement or a sentence shall not exceed 100 pages or 30,000 words, whichever is greater. Paragraph (D) (i) applies *mutatis mutandis* to any response brief filed by the Prosecutor; and
 - (iii) The reply brief of an Appellant on an appeal against a judgement or a sentence shall not exceed 30 pages or 9,000 words, whichever is greater. Where the Prosecutor, as Appellant, files a consolidated reply brief against additional Respondents, a further 10 pages or 3,000 words, whichever is greater, may be filed in respect of each additional Respondent.
- (F) Headings, footnotes and quotations count towards the word and page limits set out in the present article. Any appendices or authorities do not count towards the page limit.

(G) A Party, State, organization or person seeking to file a document which exceeds the page limits set out in this article shall obtain authorization in advance from a Judge or a Chamber and shall provide an explanation of the exceptional circumstances that necessitate the oversized filing.

(H) The present article shall not apply to additional written submissions in connection with motions referred to the Appeals Chamber under Rule 72(E) and (F) of the Rules insofar as it is inconsistent with the *Practice Direction on Filing Documents under Rule 72 of the Rules of Procedure and Evidence before the Appeals Chamber of the Special Court for Sierra Leone* issued on 22 September 2003.

Article 7 – Filing of Authorities

(A) Documents shall be filed with a list of the authorities referred to therein. Such list shall include the name, date and full citation for each authority, specifying which provision(s), paragraph(s) or page(s) are relied on. Where an authority is covered by paragraph (C) or (D) (i) below, the list shall also indicate the information required under those paragraphs.

(B) Documents shall be filed with copies of all authorities listed therein, including references, source materials, items from the record, exhibits and other relevant, non-argumentative material, with the exception of the following:

- (i) documents of the Special Court:
 - (a) the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of the Special Court for Sierra Leone;
 - (b) the Statute of the Special Court;
 - (c) the Rules of Procedure and Evidence of the Special Court;
 - (d) the Rules Governing the Detention of Persons Awaiting Trial or Appeal before the Special Court for Sierra Leone or Otherwise Detained under the Authority of the Special Court;
 - (e) the orders, decisions, judgments of the Special Court; and
 - (f) the Practice Directions of the Special Court;
- (ii) Sierra Leonean legislation:
 - (a) the Constitution of Sierra Leone, 1991;
 - (b) the Special Court Agreement, 2002, Ratification Act, 2002;
 - (c) the Prevention of Cruelty to Children Act, 1926;
 - (d) the Malicious Damage Act, 1861; and

- (e) the Criminal Procedure Act, 1965;
 - (iii) international conventions and treaties; and
 - (iv) the Statutes and the Rules of Procedure and Evidence of:
 - (a) the International Criminal Tribunal for Rwanda;
 - (b) the International Criminal Tribunal for the former Yugoslavia; and
 - (c) the International Criminal Court.
- (C) A Party, State, organization or person relying on an authority which has already been filed by that or any other Party, State, organization or person in the same case or proceeding shall not file the same authority, but shall indicate, in the list of authorities, the name and date of the document with which the authority was previously filed.
- (D) Subject to paragraph (E) below, where the authority is:
- (i) jurisprudence, the entire document shall be filed unless the authority is readily available on the internet, in which case the relevant URL address shall be indicated on the list of authorities as part of the case citation;
 - (ii) an academic text, the entire chapter containing the relevant text shall be filed;
 - (iii) legislation, a copy of the relevant provision shall be filed; and
 - (iv) an official UN document, a copy of the entire document shall be filed.
- (E) Where an authority exceeds 30 pages, a copy of the first page of the authority and the relevant section of the text shall be filed along with a note specifying that the authority exceeds 30 pages.
- (F) Where an authority is not filed, except where the authority is one of the documents listed in paragraph (B) above, a Judge or a Chamber may decide upon an appropriate sanction, which may include an order for clarification or re-filing or the refusal to allow reliance on that authority.

Article 8 – Translation of Documents

In accordance with Rule 3 of the Rules, documents to be filed shall be in English, except when a certified translation into English is attached.

Article 9 – Method of Filing Documents

(A) Documents shall be submitted to the Court Management Section by hand or by express post. Documents submitted to any other section of the Registry of the Special Court shall be considered mis-delivered and the Party, State, organization or person so filing the document shall

be responsible for any delay in the transmission of the document from that section of the Registry to the Court Management Section.

(B) The official filing hours are from 9:00 to 17:00 hours every weekday, excluding official holidays. However, documents filed after 16:00 hours shall be served the next working day. Documents shall not be accepted for filing after 17:00 hours except as provided under Article 10 of this Practice Direction.

(C) The date of filing is the date that the document was received by the Court Management Section. The Court Management Section shall stamp the document legibly with the date of its receipt, subject to the provisions of Articles 4 to 8 of this Practice Direction. This stamp shall be endorsed with the signature of the Court Management Section staff member who received the document.

Article 10 – Urgent Measures

(A) Where a document requires urgent measures to be taken, the document shall be submitted to Court Management Section with an accompanying note bearing the word “URGENT” in bold capital letters.

(B) The Court Management Section shall process and serve the document on an expedited basis.

Article 11 – Deficient Submissions

(A) The Court Management Section shall be responsible for verifying compliance with the requirements laid down in Articles 4 to 9 of this Practice Direction.

(B) The Court Management Section shall inform the Party, State, organization or person who submitted a deficient document of the deficiency and request that it be corrected. The Court Management Section shall file the document only after the mistakes have been corrected. If the corrected document is filed outside the time limits set out in the Rules as a result of the deficiency, such document shall be filed in accordance with Article 12 of this Practice Direction.

Article 12 – Late Filing

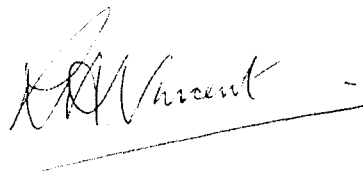
A document may be filed outside the time limits set out in the Rules, in particular Rule 7 of the Rules. In such cases, the Party, State, organization or person filing the document shall indicate the reason for the delay on the relevant Court Management Section form. A Late Filing Form shall be completed by the Court Management Section and served with the document. The Judge or Chamber before which such document is filed shall decide whether to accept the document despite its late filing.

Article 13 – Service of Documents

- (A) The Court Management Section shall ensure the service of filed documents.
- (B) Service in Freetown shall be effected by personally delivering the document to the person to whom the document is directed or by leaving the document with another person at his last or usual place of residence or work. If the recipient refuses to acknowledge service, the Court Management Section shall record the time, date and place of delivery and the document shall be deemed to have been duly served.
- (C) Service outside Freetown shall be effected by transmitting the document electronically to the person to whom the document is directed. Such persons shall check their e-mail account diligently and regularly.
- (D) This Article shall not apply to the service of the following:
- (i) the Prosecutor's Request for an Order for Transfer and/or Provisional Detention and the Order for Transfer and/or Provisional Detention on a suspect and his counsel, pursuant to Rule 40 *bis* (E) of the Rules; and
 - (ii) the Warrant of Arrest, the Indictment and the Statement on the Rights of the Accused on an accused, pursuant to Rule 54 (B) (ii) or 58 of the Rules.

Article 14 – Entry into Force

This Practice Direction, as amended on 1 June 2004 and 10 June 2005, entered into force on 27 February 2003.



Robin Vincent
Registrar
10 June 2005