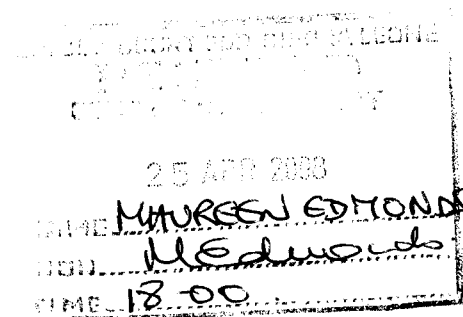




SPECIAL COURT FOR SIERRA LEONE

Practice Direction on dealing with Documents in The Hague - Sub-Office

Adopted on 16 January 2008
Amended 25 April 2008



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 dealing with Documents before the Special Court for Sierra Leone –The Hague- Sub-Office (hereinafter “Practice Direction”) Pursuant to Rule 33 (D) of the Rules.

Article 1 - General Principles

- (A) Documents to be filed before the Special Court –The Hague in accordance with the Rules shall be submitted to the Court Management Section of the Special Court in The Hague
- (B) Thereafter, the Court Management Sub-Unit shall be responsible for the service of the Hard Copy filed documents, except where Article 13 (D) of this Practice Direction applies. CMS Freetown shall be responsible for the service of the Electronic Copy.

Article 2 - Forms

The forms used by the Special Court in The Hague Sub-Office with respect to the filing and service of documents shall be in a standard forms 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 40bis 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;
Tbis = Re-trial following a decision of the Appeals Chambers;
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, organisation or person that shall receive the document filed.
- (B) Where a Party, State, organisation 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 8¹/₂ x 11 inch size paper. Margins shall be at least 2.5 centimetres 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; and
 - (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 judgment 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 judgment 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) Party, State, organisation or person seeking to file a document which exceeds the page limits set out in this article shall obtain authorisation 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 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; and
 - (iii) 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 – Filing Documents

Method of Filing Documents

- (A) Documents shall be submitted to the Court Management Section by hand or by express post. For the trial of Charles Taylor, this shall mean the Office of the Court Management Section in The Hague, Netherlands. Documents submitted to any other section of the Registry of the Special Court shall be considered misdelivered 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. The Appeals Chamber and or the Office of the Registrar may however file documents in the Charles Taylor case file at the Court Management Section in Freetown.
- (B) The official filing hours are from 9:00 to 17:00 hours (local time in Freetown or The Hague, as applicable) every workday, 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 Articles 9 *bis* and 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 Articles 4 to 8 of this Practice Direction. The stamp shall be endorsed with the signature of the Court Management Section staff member who received the document.

Article 9 *bis*, After-Hours Filing:

- (A) After-hours filing refers to the filing of documents on weekends or public holidays or outside of the following hours local time in Freetown or The Hague, as applicable: 9.00 to 17.00 hours during work days.
- (B) A party anticipating a late filing must notify the Court Management Section during business hours to request permission and instructions for after-hours filing from the Chief of the Court Management Section and the Court Management Coordinator at the Hague Sub-Office.

Article 9 Ter, Microsoft Word Filing

All filings of Decisions, Orders and Judgements in accordance with Article 4 (F) and Article 9 (A) of the Practice Directions on Filing Documents before the Special Court for Sierra Leone, shall be accompanied with a Microsoft Word version. This shall be sent electronically to CMS on the day of filing.

CMS will then ensure that this is sent to Press and Public Affairs for them to upload on to the website on receipt.

Article 10 – Urgent Measures

(A) Chamber or Party filing a document that requires urgent action by a Judge or Chambers shall personally deliver the document bearing the word “URGENT” in bold capital letters to the Court Management Section and explain the circumstances in writing, or, only if necessary and unavoidable, orally.

(B) Upon determination by the Chief of the Court Management Section that the matter requires urgent attention, the Court Management Section shall process the document on an expedited basis and promptly forward a copy to the appropriate Judge or Chamber, Parties, and others as appropriate.

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 the 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 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 of all documents filed in The Hague shall be effected by delivering hard copies to the Judges and Parties immediately after processing the document. Thereafter, the time limits run in accordance with Rule 7 of the Rules of Procedure and Evidence of the Special Court for Sierra Leone. Any subsequent transmission of a copy of the same document electronically via the CMS Database System in Freetown whensoever it is received, is irrelevant for the purposes of the service. .
- C. Service on the accused Charles Taylor shall be effected by delivering the hard copy to the Defence Office in The Hague.
- D. Service outside The Hague not covered by paragraph (B) and (C) above 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.
- E. If any of 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.
- F. 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 - Transcripts

Production of Transcripts

The Court Reporters will prepare the transcripts and forward the ‘Draft’ electronic copy to the named individuals on the ‘Appearance Sheet’ by the end of the day for their input. This ‘Appearance Sheet’ will be maintained by the Supervisor of the Court Reporters.

A final copy shall be forwarded to the Court Records Assistant for distribution to all concerned parties not later than 12:00 hours the next working day.

The Court Reporters would be responsible for on-going pagination of the Transcripts.

Mode of Service of the Transcript

Electronic Service

A 'Recipient List' will be maintained by the Supervisor of the Court Reporters in consultation with the CMS Coordinator. This list will include: the Judges, all concerned parties, Court Management, the Registrar's and Deputy Registrar's Special Assistants and Head of Mission.

The Sub-Office shall be responsible for Electronic Service of the Transcript.

Hard Copy Service

The Court Records Assistant will distribute hard copies of the transcripts to the Judges and Parties. The Chamber may adopt any appropriate way of being served with the hard copies.

A separate form for the service of Transcripts to the Accused/Indictee will be prepared and given to Duty Counsel with the Transcript. The Duty Counsel will sign and receive it on behalf of the Accused/Indictee. It would be the responsibility of the Duty Counsel to effect service on Accused/Indictee. The form will be returned to the Court Records Office and filed.

Redactions

Redactions would be done by the Courtroom Officer using the Livenote software. There is a 30 minute delay period to allow for redactions. Redactions shall be effected by an Order from the presiding Judge to the AV booth.

An example of the Redaction Template is contained in Appendix II

Court Reporters

This Unit shall constitute of three Court Reporters. In the event of an emergency, it shall be necessary to hire the services of outside agencies to cover court proceedings. This Unit will utilise the Livenote software in delivering their services

Article 15 - Exhibits

When a document or other material is tendered in Court, and accepted into evidence by the Chamber, the Courtroom Officer shall be responsible for possession of the item until it is properly archived. The Courtroom Officer shall allocate the item an Exhibit Number and enter the relevant details in the Exhibit Log.

When a document or other material is tendered in Court, and not accepted into evidence by the Chamber, and where Counsel indicated that they wish to preserve the item for the record, the Courtroom Officer shall, upon direction by the Chamber remain responsible for possession of the item until it is properly archived. The Courtroom Officer shall allocate the item an "Identification-Only" Exhibit Number and enter the relevant details into a separate "Identification-Only" Log.

When tendered by the Prosecution, exhibits shall be sequentially numbered P-1, P-2, P-3, etc. When tendered by the Defence, exhibits shall be sequentially numbered D-1, D-2, D-3, etc. Other exhibits, for example those requested by the Chamber, shall be sequentially numbered C-1, C-2, C-3, etc. The Exhibit Log shall also contain information regarding date of admission, witness name or pseudonym (where entered during the testimony of a particular witness), title of the exhibit, classification (public/confidential), language/s of the document, name of receiving Courtroom Officer and any other such information as the Court may at that time wish to be recorded.

Article 16 – Judicial Archives:

The Court Management Section is responsible for maintaining the Judicial Archives of the Special Court.

(A) The Judicial Archives shall contain:

- (I) Case files;
- (II) Official copies of transcripts
- (III) Paper records
- (IV) Electronic documents
- (V) Correspondence files
- (VI) Originals
- (VII) Audio Visuals - Audio cassettes CDs, DVDs, DV-Cams, FTRs
- (VIII) Redacted audio and video recordings
- (IX) Photographs, Still pictures, graphs
- (X) Objects retained as evidence

(B) The Judicial Archives shall not include correspondence directly addressed to a Judge or to the Prosecutor of the Special Court, unless they transmit such correspondence to the Court Management Section, they may be archived in consultation with the Judges or Prosecutor of the Special Court at the close of Judicial activities

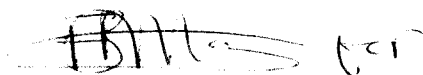
(C) All original documents in the Judicial Archives shall be kept securely locked when not in use by the Court Management Section Staff. No file or original of any document contained in the archives may be consulted without first obtaining permission from a designated member of the Court Management Section, nor moved from the Judicial Archives except for the purposes of making a photocopy, again only with the

permission of a designated member of the Court Management Section. If a copy is made, the original must be returned to the Judicial Archives immediately. All the above is subject to SCSL copy right rules.

(D) All original documents, transcripts, audio and video cassettes, diskettes, microfiches, photographs, etc filed in the Charles Taylor case shall be archived in the ICC vault at The Hague Sub Office till the end of all Charles Taylor Judiciary Proceeding and subsequently be taken a centralized archival repository

Article 17 – Entry into Force

This Practice Direction as amended on 25 April 2008

A handwritten signature in black ink, appearing to read 'H. Von-Hebel', with a date '25/04' written to the right.

Herman Von-Hebel
Registrar
25/04/08