



RESIDUAL SPECIAL COURT FOR SIERRA LEONE

**PRACTICE DIRECTION ON FILING OF DOCUMENTS BEFORE THE
RESIDUAL SPECIAL COURT FOR SIERRA LEONE**

Adopted on 24 April 2014
Amended on 30 January 2015

RESIDUAL SPECIAL COURT FOR SIERRA LEONE COURT RECORDS RECEIVED	
NAME	<i>Frances Ngaboh-Smart</i>
SIGN	<i>[Signature]</i>
DATE	<i>30-01-15</i> TIME <i>13:45</i>

Preamble

The Registrar of the Residual Special Court for Sierra Leone (hereinafter "Residual Special Court"),

Considering the Statute of the Residual 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 Residual Special Court for Sierra Leone, signed on 11 August 2010, and in particular Article 15 thereof;

Considering the Rules of Procedure and Evidence of the Residual Special Court for Sierra Leone (hereinafter "Rules") as applicable pursuant to Article 16 of the Statute;

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

Definitions

For the purpose of this Practice Direction, the following shall mean:

- Amicus Curiae:** A State, organisation or individual invited or granted leave by a Chamber to appear before or make a submission to the Chamber on any issue specified by the Chamber pursuant to Rule 74 of the Rules.
- Branch:** The relevant seat of the Residual Special Court in The Hague.
- Case File:** All records filed by the Registry related to a case, which falls under the competence of the Residual Special Court.
- Case Reference Number:** A case number comprised of the abbreviation of the Residual Special Court (RSCSL); the year the case was opened; the sequential number of the case; and the stage or type of proceeding, where applicable.
- Chamber(s):** Trial Chamber(s) and/or the Appeals Chamber of the Residual Special Court, or a Single Judge, in accordance with Article 12 of the Statute.
- Defence:** Counsel assigned to the suspect, accused or convicted person to represent his or her legal interests, pursuant to Rules 42, 43 and 45 of the Rules.
- Filing:** A record submitted by a Party, Chamber, Judge, or Non-Party and registered and entered on the case file, including but not limited to warrants, indictments,

motions, other submissions from Parties, other submissions from Non-Parties, Decisions, Orders, Judgments and sentences.

- Non-Party:** An entity other than a Party authorized by a Chamber or Judge to file records in a case before the Residual Special Court, including Amicus Curiae or other individuals, organisations and States.
- Official filing:** Original record submitted by the Chambers, a Party to the case, or a Non-Party.
- Party:** The Prosecution, the Defence or the SRA.
- Practice Direction:** This Practice Direction on Filings Made before the Residual Special Court.
- President:** The President of the Residual Special Court as referred to in Article 2 of the RSCSL Agreement and elected pursuant to Article 12(1) of the RSCSL Statute.
- Prosecutor:** The Prosecutor of the Residual Special Court as referred to in Article 2 of the RSCSL Agreement and Article 14 of the RSCSL Statute.
- Registrar:** The Registrar of the Residual Special Court appointed pursuant to Article 15 of the Statute.
- Registry:** The organ of the Residual Special Court responsible for the administration and servicing of the Residual Special Court pursuant to Rule 33.
- Residual Special Court:** The Residual Special Court for Sierra Leone established by the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Residual Special Court for Sierra Leone signed on 11 August 2010, with Statute annexed, and composed of the Chambers, the Prosecutor and the Registrar.
- Rules:** The Rules of Procedure and Evidence adopted by the Residual Special Court pursuant to Article 16 of the Statute, adopted on 1 January 2014.
- Special Court:** The Special Court for Sierra Leone established by the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of a Special Court for Sierra Leone signed.
- SRA:** Self-Represented Accused.

RCSL Statute: The Statute of the Residual Special Court annexed to the RCSL Agreement.

Article 1 – General Principles

(A) Documents to be filed before the Residual Special Court in accordance with the Rules shall be submitted to the Registrar of the Residual Special Court or to his or her designated representative.

(B) Thereafter, the Registrar or his or her designated representative shall be responsible for the service of the filed documents, except where Article 16(D) of this Practice Direction applies.

Article 2 – Forms

The forms used by the Residual Special Court with respect to the filing and service of documents shall be in a standard format issued by the Registrar or his or her designated representative. They shall be made available to the public.

Article 3 – Opening and Numbering of Case Files

(A) A case file shall be opened when a filing is submitted in a case for which no case file exists before the Residual Special Court.

(B) In addition the Registrar or his or her designated representative 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;
- (iii) a request for the transfer and provisional detention of a suspect under Rule 40*bis* of the Rules; and
- (iv) an indictment or order in lieu of an indictment for contempt proceedings under Rule 77 of the Rules.

(C) 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.

(D) Each case falling under the competence of the Residual Special Court shall be given a case reference number consisting of the following symbols. Filings related to cases that were previously opened before the Special Court will retain their sequential numbering. (e.g., RSCSL-14-01-PD-001 for a new case filed before the Residual Special Court or RSCSL-03-01-ES-1200 for a filing in a case that had previously been opened before the Special Court).

- (i) RSCSL = Residual Special Court for Sierra Leone;
- (ii) 14 or 03 = The year in which the filing was registered before the Residual Special Court or the Special Court (e.g. “14” for 2014 and “03” for 2003); and
- (iii) 01 = Sequential number of the case (e.g. “01” for the first case to come before the Residual Special Court);
- (iv) PD or ES = Transfer and Provisional Division or Enforcement of Sentence
- (v) 001 or 1200 = Number of the Document.

(E) The following letters shall be added after the case reference number to identify the stage or type of proceedings:

- PD= Transfer and Provisional Detention;
- I = Indictment;
- D = Deferral;
- PT = Pre-Trial: From the opening of the case until the first trial hearing (i.e. opening statements);
- T = Trial: From the first day of the trial phase hearing to the trial judgment;
- Tbis = Retrial following a decision of the Appeals Chamber;
- A = Appellate Proceedings: From the first notice of appeal to the judgment on appeal. For appeals of proceedings designated by specific Rules, an “A” should appear before the suffix indicating the Rule (e.g. AR11bis);
- ES = Enforcement of Sentence: For proceedings involving the enforcement of sentence as of the date the judgment becomes final;
- R = Review proceedings;
- R11bis = Referral proceedings pursuant to Rule 11bis of the Rules;
- R77 = Contempt proceedings pursuant to Rule 77 of the Rules.

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 documents (PUBLIC, CONFIDENTIAL, STRICTLY 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" or "STRICTLY CONFIDENTIAL" and indicate on the relevant form the reasons for the confidentiality. The Judge shall thereafter review the document and determine whether confidentiality is necessary. In determining whether to mark a document "CONFIDENTIAL" or "STRICTLY CONFIDENTIAL", the Party, State, Organization or person shall be guided by the classification definitions in the 'RSCSL Records and information sensitivity, classification, declassification, handling and access policy'. Documents that are not filed confidentially may be used in press releases and be posted on the official website of the Residual 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 precise 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 the Registrar or his or her representative. 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 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;

(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;
- (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) 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 4 December 2013.

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 and Residual 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 and the Agreement between the United Nations and the Government of Sierra Leone on the Establishment of the Residual Special Court for Sierra Leone;
 - (b) the Statute of the Special Court and of the Residual Special Court;
 - (c) the Rules of Procedure and Evidence of the Special Court and of the Residual 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 and the Rules Governing the Detention of Persons Awaiting Trial or Appeal before the Residual Special Court for Sierra Leone or Otherwise Detained under the Authority of the Residual Special Court;
 - (e) the Orders, Decisions, Judgments of the Special Court and of the Residual Special Court; and
 - (f) the Practice Directions of the Special Court and of the Residual Special Court;
- (ii) Sierra Leonean legislation:
 - (a) the Constitution of Sierra Leone, 1991;
 - (b) the Special Court Agreement, 2002, Ratification Act, 2002 and the Residual Special Court for Sierra Leone (Ratification) Act, 2011;
 - (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;
- (iv) 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

- (c) the International Residual Mechanism for Criminal Tribunals;
- (d) 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 submitted for filing with the Registry shall be submitted in either hard copy or electronic format, and delivered by hand, by fax, by post or by email to the Registrar or his or her designated representative.

(B) The Registrar or his or her designated representative shall establish and maintain a specific Court Records email inbox for receiving all records submitted for filing electronically.

(C) The date of filing is the date that the document was received by the Registrar or his or her representative.

(D) Hard copies submitted for filing shall be received during the business hours of the Residual Special Court in Sierra Leone or The Netherlands respectively.

(E) Electronic records may be submitted at any time, provided that any electronic record submitted for filing which is received after business hours but prior to midnight, local time at the respective office of the Residual Special Court, or on a weekend, holiday or other period during which the Residual Special Court is closed, will be filed with the date on which it was received as indicated by the date and time in the Court Records email inbox, and will be registered and distributed during the next working day.

(F) Correspondence directly addressed to and/or from a Judge, Registrar, Prosecutor, Defence Counsel or a Convicted Person are not official filings and shall not be included in the case file, unless such correspondence is submitted by the recipient to the Registry for filing in the case file. Correspondence, including notes for the file, not submitted for filing, shall be maintained in a separate correspondence file.

Article 10 - Certification and Registration of Records Submitted for Filing

(A) Upon receipt of records submitted for filing in accordance with Article 9 of this Practice Direction, the Registrar or his or her designated representative shall register the record submitted for filing according to the procedures set out in this Article.

(B) For hard copies, the Registrar or his or her designated representative shall stamp the document legibly with the date of its receipt, subject to the provisions of Articles 2 to 7 of this Practice Direction. This stamp shall be endorsed with the signature of the Registry staff receiving who received the document. Documents, material, orders and decisions filed in hard copy shall be converted into image file format. The Registry shall ensure that documents, material, orders and decisions are not altered in any way.

(C) For electronic copies, the Registrar or his or her designated representative shall insert on the header of each page or on the material itself:

- (i) The numbering of the case file in accordance with Article 3;
- (ii) The date on which the document was registered;
- (iii) The page numbers; and
- (iv) The initials of the person registering.

Article 11 – Urgent Measures

(A) Where a document requires urgent measures to be taken, the document shall be submitted to the Registrar or his or her designated representative with an accompanying note bearing the word "URGENT" in bold capital letters.

(B) The Registrar or his or her designated representative shall process and serve the document on an expedited basis.

Article 12 - Deficient Submissions

(A) The Registrar or his or her designated representative shall be responsible for verifying compliance with the requirements laid down in Articles 2 to 7 of this Practice Direction.

(B) The Registrar or his or her designated representative shall inform the Party, State, organization or person who submitted a deficient document of the deficiency and request that it be corrected. The Registrar or his or her designated representative 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*bis* of this Practice Direction.

Article 12*bis* - Late Filing

If a document is filed outside the time limits set out in the Rules, in particular Rule 7 of the Rules, the Party, State, organization or person filing the document shall indicate the reason for the delay. 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 Registrar or his or her representative shall ensure the service of filed documents.

(B) Service of electronic copies of documents 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.

(C) Service of hard copies of documents 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 receipt, the Registrar or his or her representative shall record the time, date and place of delivery and the document shall be deemed to have been duly served.

- (D) This Article shall not apply to 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 or her 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 55(B) or 58 of the Rules.

Article 14 - Transcripts

(A) The Court Reporters will prepare the transcripts and forward the "Draft" electronic copy to the named individuals on the "Appearance Sheet" within 24 hours of the close of the court that day for their input.

(B) Staff designated by the Registrar shall redact the transcripts using appropriate software pursuant to an order from the President, Designated Judge or Presiding Judge, if a Chambers is appointed.

(C) A final copy of both the un-redacted and redacted transcript shall be served electronically by the staff designated by the Registrar on all concerned parties not later than 12:00 hours the next working day.

(D) The staff designated by the Registrar shall maintain a list of concerned parties as referred to in paragraph (C), which will include the President, the Designated Judge, (if one is appointed) Chambers and the Registrar.

Article 15 - Exhibits

(A) When a document or other material is tendered in Court and is accepted by the Court into evidence, staff designated by the Registrar shall:

- (i) Be responsible for the item until it is properly archived; and
- (ii) Allocate the item an Exhibit Number and enter the relevant details into the Exhibit Log.

(B) When a document or other material is tendered in Court and is not accepted by the Court into evidence, but counsel have indicated they wish to preserve the item for the record, staff designated by the Registrar shall:

- (i) On direction by the Presiding Judge, be responsible for the item until it is properly archived; and
- (ii) Allocate the item an "Identification Only" exhibit number and enter the relevant details into a separate "Identification Only" Exhibit Log.

(C) Staff designated by the Registrar to allocate exhibit number shall use the following numbering system:

- (i) For exhibits tendered by the Prosecution, the letter "P" and sequential numbering (e.g. P-1, P-2, P-3 etc.);
- (ii) For exhibits tendered by the Defence, the letter "D" and sequential numbering (e.g. D-1, D-2, D-3 etc.);
- (iii) For all other exhibits, the letter "C" and sequential numbering (e.g. C-1, C-2, C-3 etc.).

(D) The Exhibit Log shall contain the following information, where applicable:

- (i) The date of admission;
- (ii) The witness name or pseudonym, where exhibits are tendered during witness testimony;
- (iii) The title of the exhibit;
- (iv) The classification of the exhibit, in accordance with RSCSL classification principles;
- (v) The language of the document or other material tendered into evidence;
- (vi) The name of the staff designated by the Registrar to receive the exhibit; and
- (vii) Any other information deemed necessary by the President or Judge.

Article 16 - Judicial Archives

(A) The Registrar shall designate staff responsible for maintaining the Judicial Archives of the Residual Special Court.

(B) 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-visual materials, including audio cassettes, CDs, DVDs, DY-Cams, and FTRs;
- (viii) Redacted audio and video recordings;
- (ix) Photographs, still pictures and graphs; and
- (x) Objects retained as evidence.

(C) The Judicial Archives shall not contain correspondence directly addressed to a Judge or to the Prosecutor, unless they transmit such correspondence to the staff designated by the Registrar in paragraph (A). Such correspondence may be archived in the Residual Special Court Archives in consultation with the Judge or Prosecutor in accordance with the Archival Policy of the Residual Special Court.

(D) Subject to any copyright rules of the Residual Special Court:

- (i) All original documents shall be kept securely locked when not in use by the staff designated by the Registrar in paragraph (A);
- (ii) No file or original of any document contained in the Judicial Archives may be consulted without permission of the staff designated by the Registrar in paragraph (A); and
- (iii) No file or original of any document contained in the Judicial Archives may be moved from the Judicial Archives except for the purpose of making a photocopy and with the permission of the staff designated by the Registrar in paragraph (A), in which case the original must be returned immediately to the Judicial Archives.

Article 17 – Amendment

The Registrar, after consultation with the President, may amend this Practice Direction, pursuant to Rule 33 (D) of the Rules

Article 18 – Entry into Force

This Practice Direction, as amended on 30 January 2015, entered into force on 24 April 2014.

A handwritten signature in black ink, consisting of a stylized 'B' and 'M' intertwined, with a long horizontal flourish extending to the right.

Binta Mansaray
Registrar
30 January 2015