

**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**

PREAMBLE

The President of the Special Court for Sierra Leone,

CONSIDERING the Statute of the Special Court for Sierra Leone (hereinafter referred as "the 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 (hereinafter referred as "the Rules") as applicable pursuant to Article 14 of the Statute, and in particular Rules 19, 107 and 117 thereof;

HEREBY ISSUES this Practice Direction on Filing of Documents under Rule 72 of the Rules of Procedure and Evidence before the Appeals Chamber of the Special Court for Sierra Leone (hereinafter referred as "the Practice Direction"):

ARTICLE 1

References of preliminary motions to the Appeal Chamber under Rule 72E or 72F shall be made by means of Order signed and dated by the Presiding Judge of the Trial Chamber. Such Order shall forthwith be served on the applicant and the respondent by the Court Management Section.

ARTICLE 2

The Order, the preliminary motion to which it relates and any response thereto, together with the indictment and any other relevant documents from the file shall be copied by the Court Management Section and delivered to the Legal Officer of the Appeals Chamber who shall be responsible under the direction of the President for assisting the Appeals Chamber to proceed expeditiously to a determination of the reference.

ARTICLE 3

The applicant and respondent shall file any written submission, response or reply within the time limits set out in Rule 72 (G) and in the manner provided for by the Practice Direction on Filing Documents before the Special Court for Sierra Leone. Any request for an extension of time must be made before the that time expires to the Appeals Chamber, or, if a Pre-Hearing Judge is designated pursuant to Rule 117 (B) (hereinafter referred as the "Pre-Hearing Judge"), to the designated Pre-Hearing Judge for the Appeals Chamber, who may exercise the power of the Chamber to grant such extension and any consequent extension for the other party.

ARTICLE 4

There are no restrictions or requirements in respect of the length of legal submissions, and subsections

D and E of Article 9(3) of the Practice Direction on Filing Documents before the Special Court for Sierra Leone are hereby repealed. However, counsel should observe the following guidelines:

- i) In the event that the Appeals Chamber holds a hearing, there will be a short time (normally, no more than 2 hours) allocated to each party to make oral submissions. Thus counsel should ensure that the Appeals Chamber has a reasonably comprehensive account of the legal argument in written form.
- ii) That said, written legal argument does not benefit from repetition: points should be made clearly, logically and grammatically. There is no need to quote excessively from cases or textbooks: copies of all extracts cited must be appended to the submission.
- iii) Copies of authorities to be relied upon in oral argument must be provided to the Legal Officer of the Appeals Chamber three days before the hearing.

ARTICLE 5

The Appeals Chamber, the President or the Pre-Hearing Judge, may give permission for an interested party to intervene by way of filing a written submission and/or by making an oral submission and may appoint a legal expert to act as *amicus curiae*. Written arguments by intervenors and *amicus curiae* must be filed more than 7 days before the hearing, and will be circulated forthwith to the parties.

ARTICLE 6

Unless decided otherwise by the President or the Pre-Hearing Judge, all submissions on issues referred under Rule 72 (E) and (F) shall be available to the public on payment of a minimum fee of five (5) U.S. dollars plus a fee of one (1) U.S. dollar for every twenty (20) pages for copying or part thereof.

ARTICLE 7

The Practice Direction shall enter into force on 22 September 2003.

Pursuant to Rule 21 of the Rules,

The Vice-President of the Special Court for Sierra Leone
Justice George Gelaga King