



SPECIAL COURT FOR SIERRA LEONE
 JOMO KENYATTA ROAD • FREETOWN • SIERRA LEONE
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PRACTICE DIRECTION FOR CERTAIN APPEALS BEFORE THE SPECIAL COURT

30 September 2004

PREAMBLE

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

CONSIDERING the Statute of the Special Court (“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;

CONSIDERING the Rules of Procedure and Evidence of the Special Court (“Rules”);

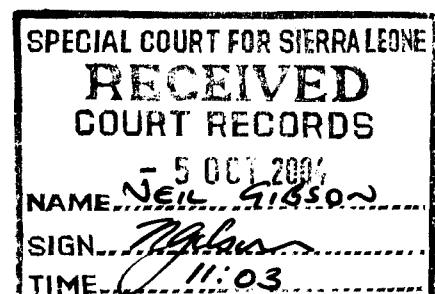
PURSUANT to Rule 107 and Rule 117 of the Rules and after consultation with the Vice-President;

HEREBY ISSUES this Practice Direction in order to establish a procedure for the filing of notice of appeal, grounds of appeal and written submissions in appeal proceedings under Rules 46, 65, 73(B), 77 and 91 before the Special Court, and

STATES that this Practice Direction shall have no application to appeals from final judgement:

I. APPEALS FROM DECISIONS WHERE APPEAL LIES AS OF RIGHT

1. A party wishing to appeal (“appellant”) from a decision of a Judge or Trial Chamber where an appeal lies as of right pursuant to Rule 77(J) and Rule 91(B) shall file and serve upon the other parties, in accordance with the Rules, a written Notice of Appeal in accordance with the prescribed form containing:
 - a) the precise title and date of filing of the appealed decision;
 - b) a summary of the proceedings before the Judge or Trial Chamber relating to the appealed decision;
 - c) the specific provision of the Rules pursuant to which the appeal is filed;
 - d) the grounds on which the appeal is made;



- e) the relief sought.
2. The appellant's submissions based on the grounds of appeal shall be filed on the same day as the Notice of Appeal and may be filed as part of the same document or as a separate document, as long as it is clearly delineated which filing or part of the filing constitutes grounds and which filing or part of the filing constitutes submissions based on those grounds.
3. The opposite party shall file a response within ten days of the filing of the appeal. Such a response shall clearly state whether or not the appeal is opposed and the grounds therefor. It shall further set out any objection to the applicability of the provision of the Rules relied upon by the appellant as the basis for the appeal.
4. The appellant may file a reply within five days of the filing of the response.
5. The Appeals Chamber may thereafter decide the appeal without further submissions from the parties and without an oral hearing unless otherwise directed by the Presiding Judge.

II. APPEALS FROM DECISIONS WHERE APPEAL LIES ONLY WITH LEAVE

6. A party wishing to appeal from a decision of a Trial Chamber which may be appealed only with the leave of the Trial Chamber, or a Single Judge of the Appeals Chamber, or the Appeals Chamber, shall file and serve on the other parties in accordance with the Rules, an application for leave to appeal accompanied by a copy of the ruling or judgment appealed and containing:
 - a) the precise title and date of filing of the decision sought to be appealed;
 - b) a summary of the proceedings before the Trial Chamber relating to the decision sought to be appealed including an identification of all relevant documents in the proceedings before the Trial Chamber, clearly stating the title and date of filing of each document or the page number of a transcript;
 - c) the specific provision of the Rules under which leave to appeal is sought;
 - d) a concise statement as to why it is contended that the applicable criteria for the granting of leave to appeal under the provision relied upon have been met.
7. Unless otherwise provided in the Rules, the application shall be filed within seven days of the impugned decision.
8. The opposite party shall file a response within ten days of the filing of the application for leave to appeal. Such a response shall clearly state whether or not the application for leave to appeal is opposed and the grounds therefor. It shall further indicate any objection to the applicability of the provision of the Rules relied upon by the appellant as the basis for the application for leave to appeal.

9. The appellant may file a reply within five days of the filing of the response. The Trial Chamber, or a Single Judge of the Appeals Chamber, or the Appeals Chamber may thereafter decide the application for leave to appeal without further submissions from the parties.
10. Where leave to appeal is granted, the appellant shall, in accordance with the Rules, file and serve on the other parties a Notice of Appeal in accordance with the prescribed form containing:
 - a) the precise title and date of filing of the appealed decision and the decision granting leave to appeal;
 - b) a summary of the proceedings relating to the appealed decision;
 - c) the grounds on which the appeal is made, to consist of clear concise statements of the errors complained of;
 - d) the relief sought.
11. The appellant's submissions based on the grounds of appeal shall be filed on the same day as the Notice of Appeal and may be filed as part of the same document or as a separate document, as long as it is clearly delineated which filing or part of the filing constitutes grounds and which filing or part of the filing constitutes submissions based on those grounds.
12. The opposite party shall file a response within seven days of the filing of the appeal. This response shall clearly state whether or not the appeal is opposed, the grounds therefor, and the submissions in support of those grounds.
13. The appellant may file a reply within four days of the filing of the response.
14. The Appeals Chamber may thereafter decide the appeal without further submissions from the parties and without an oral hearing unless otherwise directed by the Presiding Judge.

III. RECORD ON APPEAL

15. Unless otherwise designated by the Presiding Judge of the Appeals Chamber, the record in appeals to which this Practice Direction relates shall consist of:
 - a) All documents in the proceedings before the Judge or Trial Chamber necessary to the decision in the appeal;
 - b) The decision of the Judge or Trial Chamber.
16. The appellant shall at the same time as filing a notice of appeal indicate to the Appeals Chamber and to the other party in an index the documents believed to be necessary for the decision in the appeal. The other party shall within three days of such notification be at liberty to request an amendment to the index with reasons therefor. Any such request shall be decided upon by the Presiding Judge of the Appeals Chamber.
17. The Registrar shall within seven days of receipt of the final index on appeal compile the record on appeal for distribution to the Appeals Chamber.

IV. CALCULATION OF TIME

18. In accordance with the Rules, the time-limits prescribed under this Practice Direction shall run from, but shall not include, the day upon which the relevant document is filed. Should the last day of a time prescribed fall upon a non-working day of the Special Court it shall be considered as falling on the first working day thereafter.

V. GENERAL REQUIREMENTS FOR WRITTEN SUBMISSIONS

19. The parties shall refer to the Practice Direction on Filing Documents before the Special Court for Sierra Leone, adopted on 27 February 2003, as amended on 1 June 2004, for the general requirements for written submissions including the filing of authorities.

VI. VARIATION OF PROCEDURE

20. The provisions of this Practice Direction are without prejudice to any orders or decisions that may be made by the Trial Chamber, the Appeals Chamber, a bench of three Judges of the Appeals Chamber, or a Single Judge of the Appeals Chamber, in particular with regard to the variation of time limits.

VII. NON-COMPLIANCE WITH THIS PRACTICE DIRECTION

21. Where a party fails to comply with the requirements laid down in this Practice Direction, or where the wording of a filing is unclear or ambiguous, a bench of three Judges of the Appeals Chamber or the Appeals Chamber may, in its discretion, decide upon an appropriate sanction, which can include an order for clarification or re-filing. The Appeals Chamber may also reject a filing or dismiss submissions therein.

This Practice Direction shall enter into force on 30 September 2004.



Justice Emmanuel Ayoola
President

**SPECIAL COURT FOR SIERRA LEONE**

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THE APPEALS CHAMBER

Before: <Justice>
Registrar: Robin Vincent
Date: <Day Month Year>

PROSECUTOR Against <Accused>
 <(Case No. SCSL-XX-YY-AR)>

NOTICE OF APPEAL

Office of the Prosecutor:

Defence Counsel for <Accused 1>:

Defence Counsel for <Accused 2>:

Defence Counsel for <Accused 3>:

I. Title and date of filing of appealed decision

II. Summary of proceedings relating to appealed decision

III. Grounds of appeal

IV. Relief sought
