

**UNITED
NATIONS**



Mechanism for International Criminal Tribunals

MICT/16

2 May 2016

Original: English

**PRACTICE DIRECTION
ON PROCEDURE FOR THE PROPOSAL, CONSIDERATION,
AND PUBLICATION OF AMENDMENTS TO
THE RULES OF PROCEDURE AND EVIDENCE OF THE MECHANISM**

(MICT/16)

INTRODUCTION

1. In accordance with Rule 23(B) of the Rules of Procedure and Evidence of the Mechanism for International Criminal Tribunals (“Rules”), and having consulted with the Registrar and the Prosecutor, I hereby issue this Practice Direction in order to establish a procedure for the proposal, consideration, and publication of amendments to the Rules.

THE RULES COMMITTEE

2. The Rules Committee shall be made up of three Judges of the Mechanism to be appointed by the President, the President *ex officio*, and a non-voting representative, each, of the Office of the Prosecutor, the Registry, and, as available, the Association of Defence Counsel. The President shall appoint the Chair of the Rules Committee from among the Judges appointed thereto. The Committee Secretariat is to consist of one or more Legal Officers, appointed by the President.

3. (a) The Rules Committee shall, pursuant to Rule 6 of the Rules, consider all proposals for amendment of the Rules forwarded to it by the President, a Judge of the Mechanism, the Prosecutor, or the Registrar. It may consider proposals from the Association of Defence Counsel or other bodies.

(b) Once a year, the Rules Committee shall submit to the President for transmittal to the Judges of the Mechanism a report setting out the proposals, if any. The report shall include the Rules Committee’s recommendations for action regarding the proposals. When the Rules Committee considers a proposal to be time-sensitive, it may submit a report outside of the yearly cycle.

(c) The Rules Committee’s recommendations will take due account of Article 13(4) of the Mechanism Statute; of the importance for normative continuity with the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the former Yugoslavia; as well as of the injunction in Security Council Resolution 1966 (2010) that the Mechanism should be a small, temporary, and efficient structure, whose functions and size will diminish over time.

(d) The report should wherever possible be in both working languages of the Mechanism.

SUBMISSION OF PROPOSALS

4. All proposals are to be submitted to the President and/or to the Rules Committee.
5. Proposals should, when possible, be submitted in both working languages of the Mechanism.
6. All proposals should include a draft of the proposed new or amended Rule, and a clear statement of the reason for the proposal.
7. Any proposals that are considered time-sensitive should be so labelled.

THE JUDGES' CONSIDERATION OF THE REPORT

8. The Judges shall consider the Rules Committee's report, either remotely through a written procedure, as contemplated in Article 13(2) of the Mechanism Statute, or in a plenary meeting convened by the President.
9. Pursuant to Rule 6(A) of the Rules, proposals for amendment shall be adopted: (a) if circulated to all Judges and agreed to in writing by not less than thirteen Judges; or (b) by a majority of the Judges present at a plenary meeting convened by the President.

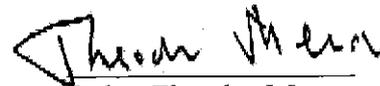
ENTRY INTO FORCE OF AMENDMENT TO THE RULES

10. Upon agreement by the Judges on amendment to the Rules, the Rules Committee will, as soon as practicable, prepare an official document of the Mechanism ("official document") setting out the amendments in both working languages. Written commentary or explanation may accompany the amendments provided that such written commentary or explanation was agreed to by the Judges in plenary.
11. The President shall, consistent with Article 13(3) of the Mechanism Statute, transmit the official document to the Security Council.
12. Pursuant to Article 13(3) of the Mechanism Statute, the amendments shall enter into force upon adoption by the Judges unless the Security Council decides otherwise.

PUBLICIZING AMENDMENTS TO THE RULES

13. The Registrar shall make the amendments public within seven days of entry into force. A copy of the amended text of the Rules shall be distributed as soon as possible to all Judges, the Office of the Prosecutor, the Registry, and the Association of Defence Counsel, and shall be posted on the Mechanism website.

Done this 2nd day of May 2016,
At The Hague,
The Netherlands.


Judge Theodor Meron
President

[Seal of the Mechanism]