

**UNITED
NATIONS**



Mechanism for International Criminal Tribunals

MICT/7

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**PRACTICE DIRECTION ON FILINGS MADE BEFORE THE MECHANISM
FOR INTERNATIONAL CRIMINAL TRIBUNALS**

(MICT/7)

PREAMBLE

The Registrar of the Mechanism for International Criminal Tribunals;

Considering the Statute of the Mechanism as adopted by the Security Council under Resolution 1966 (2010) of 22 December 2010;

Considering also the Rules of Procedure and Evidence as adopted pursuant to Article 13 of the Statute of the Mechanism;

Taking into consideration the principles, policies and procedures governing the filing of records at the ICTR and ICTY;

Having consulted the President; and

Acting pursuant to Rule 31(C) of the Rules of Procedure and Evidence;

Issues this Practice Direction setting out common principles for the opening of cases and the submission, receipt, registration and service of filings at each branch of the Mechanism.

I. INTRODUCTION

Article 1 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 83 of the Rules.

Branch: The relevant seat of the Mechanism, in Arusha or in The Hague.

Case File: All records filed by the Registry related to a case which falls under the competence of the Mechanism.

Case Reference Number: A case number comprised of the abbreviation of the Mechanism (MICT); 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 Mechanism, or a Single Judge, in accordance with Article 12 of the Statute.

Defence: Counsel assigned to the suspect or accused 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, Judgements and sentences.

ICTR:	The International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan citizens responsible for Genocide and other such violations committed in the territory of neighbouring States, between 1 January 1994 and 31 December 1994, established by Security Council resolution 955 of 8 November 1994.
ICTY:	The International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, established by Security Council resolution 827 of 25 May 1993.
Mechanism:	The Mechanism for International Criminal Tribunals, as established by Security Council resolution 1966 of 22 December 2010.
Non-Party:	An entity other than a Party authorized by a Chamber or Judge to file records in a case before the Mechanism, including <i>Amicus Curiae</i> 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 Mechanism for International Criminal Tribunals.
President:	The President of the Mechanism appointed pursuant to Article 11 of the Statute.
Registrar:	The Registrar of the Mechanism appointed pursuant to Article 15 of the Statute.
Registry:	The organ of the Mechanism responsible for the administration and servicing of the Mechanism pursuant to Rule 31 of the Rules.
Rules:	The Rules of Procedure and Evidence adopted by the Mechanism pursuant to Article 13 of the Statute, adopted on 8 June 2012 and as subsequently amended.
SRA:	Self-Represented Accused.
Security classification:	The assignment of a security level to records, to prevent unauthorized disclosure of sensitive information, pursuant to ST/SGB/2012/3.

Statute: The Statute of the Mechanism annexed to Security Council resolution 1966 of 22 December 2010.

Tribunal: ICTR or ICTY.

Article 2

Purpose

This Practice Direction governs the opening of cases and the submission, receipt, registration and service of records filed in all cases which come under the competence of the Mechanism. The present Practice Direction is common to the two Branches of the Mechanism. Each Branch shall develop its procedures, structures and operations in accordance with this Practice Direction.

Article 3

Entry into Force

This Practice Direction shall enter into force on 14 December 2012 for the Arusha Branch and on 1 July 2013 for the Branch in The Hague.

Article 4

Amendment

1. The Registrar, after consultation with the President, may amend this Practice Direction, pursuant to Rule 31(C) of the Rules.
2. An amendment shall enter into force on such date as determined by the Registrar.

II. OPENING OF A CASE

Article 5

Case Opening

1. A case file shall be opened when a filing is submitted in a case for which no case file exists before the Mechanism.
2. Where the President or a Chamber determines that the competence over a case has transferred from one of the Tribunals to the Mechanism, the Mechanism shall assume responsibility for the new case file, and all records filed after the date of transfer of the case shall be filed in the Mechanism's case file. The completeness of the case file shall be maintained as follows:
 - (a) When the Mechanism assumes competence for a case in which the judgement in the first instance has not been delivered by the Tribunal's Trial Chamber, all records in the existing Tribunal's case file shall be cross-filed into the Mechanism's case file.

- (b) When the Mechanism assumes competence for a case in which the Tribunal’s Trial Chamber has delivered the judgement in the first instance, a certificate shall be placed in the Mechanism’s case file which indicates the Tribunal’s case file number and includes a complete index of the records contained within the Tribunal’s case file.
3. In addition to the provisions listed in paragraph 2, a new case file shall be opened by the Mechanism:
- (a) upon receipt of an Order for retrial issued by the Appeals Chamber pursuant to Rule 144(C) of the Rules;
 - (b) upon receipt of an order from a Judge or Chamber that would necessarily entail the opening of a new case;
 - (c) in cases involving contempt under Rule 90 of the Rules, upon issuance of an indictment for contempt, or appointment of an *amicus curiae* or where a Chamber or Judge under this Rule has rendered a decision to initiate proceedings itself; or
 - (d) where a matter falling within the exclusive competence of the Mechanism, pursuant to the Rules, is filed.
4. Only one case file shall be opened and maintained for each case.

Article 6
Assignment of Case Numbers

1. Each case falling under the competence of the Mechanism shall be given a case reference number consisting of three components:
- (a) MICT = Mechanism for International Criminal Tribunals;
 - (b) the year in which the filing was registered before the Mechanism (e.g. “12” for 2012); and
 - (c) the sequential number of the case before the Mechanism (e.g. “08” for the eighth case).
2. The following letters shall be added after the case reference number to identify the stage or type of proceedings:
- (a) A = Appeal: From the first notice of appeal pursuant to Rule 133 of the Rules, to the judgement on appeal pursuant to Rule 144 of the Rules. For appeals of proceedings designated by specific Rules, an “A” should appear before the suffix indicating the Rule (e.g. AR14);
 - (b) D = Deferral: From filing of an application for deferral to the decision on the application pursuant to Rule 12 of the Rules;
 - (c) ES = Enforcement of Sentence: For proceedings involving the enforcement of sentence as of the date the judgement becomes final;
 - (d) PT = Pre-Trial: From the opening of the case until the first trial hearing (i.e. opening statements);

- (e) R = Review proceedings: from the request for review, pursuant to Rule 146 of the Rules, until the decision on review or further judgment pursuant to Rule 147 of the Rules;
- (f) R14 = Referral proceedings pursuant to Rule 14 of the Rules;
- (g) R78 = Special deposition proceedings pursuant to Rule 78 of the Rules;
- (h) R90 = Contempt proceedings pursuant to Rule 90 of the Rules;
- (i) R108 = False testimony proceedings pursuant to Rule 108 of the Rules;
- (j) S = Sentencing: For proceedings after the decision granting a motion for a plea agreement pursuant to Rule 124 of the Rules, or for any separate proceedings pertaining to sentencing; and
- (k) T = Trial: From the first day of the trial phase hearing to the trial judgement.

III. SUBMISSION, RECEIPT AND REGISTRATION OF FILINGS

Article 7 Official Filings

1. Records integral to the Mechanism's proceedings are considered officially filed when received by the Registry and so designated and registered by the Registrar or his or her authorized delegate in accordance with Article 10 of this Practice Direction.
2. Translations of original filings submitted by the Registry shall be considered to be official filings.
3. Where the original version is not in the possession of the respective Branch at the time of filing, a certified copy shall be inserted in the case file until such time as the original version is obtained, pursuant to Article 10 of this Practice Direction.
4. Regardless of the mode of transmission, the hard copy, signed by the Registry Officer, shall be considered the official version of the filing.
5. Correspondence directly addressed to and/or from a Judge, Registrar, Prosecutor, Defence Counsel or SRA 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. Correspondences, including notes for the file, not submitted for filing shall be maintained in a separate correspondence file.

Article 8 Submission of Records for Filing

1. A Chamber, Judge, Party or Non-Party may submit for inclusion in the case file the original or certified copies of, *inter alia*, the following:
 - (a) Warrants;
 - (b) Indictments;

- (c) Motions;
- (d) Other submissions from Parties;
- (e) Other submissions from Non-Parties;
- (f) Decisions;
- (g) Orders;
- (h) Judgements, sentences, and concurring, separate or dissenting opinions to judgements; and
- (i) Supporting material and annexes to any of the above.

2. Records 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 Registry. Records submitted for filing shall be submitted in either English or French, unless otherwise provided by the Mechanism's Rules of Procedure and Evidence. An Accused shall have the right to use his or her own language.

3. All records submitted for filing must be accompanied by a standardized transmission sheet which includes the following information:

- (a) Name of the transmitting party;
- (b) Case name and number;
- (c) Date created and the date transmitted;
- (d) Security classification (unclassified, confidential, strictly confidential or *ex parte*);
- (e) Number of pages;
- (f) The original language;
- (g) Document title;
- (h) Document type; and
- (i) Request for translation, if applicable.

4. All submitting entities are responsible for ensuring the accuracy of both the transmission sheet and the records submitted therewith. Submitting entities are responsible for determining the classification of the record submitted for filing and indicating that classification level on the transmission sheet. If a record submitted for filing is not to be filed publicly, the first page of each record submitted for filing should indicate whether the filing is classified as confidential, strictly confidential or *ex parte*.

Article 9

Receipt of Records Submitted for Filing

1. The Registry shall be responsible for receiving all records submitted for filing in accordance with Article 8 of this Practice Direction, and for ensuring the confidentiality of sensitive information submitted for filing.

2. A specific Registry Court Records email inbox shall be established and maintained for receiving all records submitted for filing electronically.

3. The Registry shall review the records submitted for filing for compliance with the requirements specified in Article 8 of this Practice Direction. A record submitted for filing which does not meet these requirements may be returned to the submitter for necessary correction to ensure compliance.

4. Physical records submitted for filing shall be received during the business hours of the respective Branch of the Mechanism. Any electronic record submitted for filing which is received after business hours but prior to 12:00 midnight, local time at the responsible Branch of the Mechanism, or on a weekend, holiday or other period during which the Registry is closed, will be filed with the date on which it was received as indicated by the date and time in the Registry's dedicated email inbox, and will be registered and distributed during the next working day.

5. Upon receipt of a record submitted for filing, the designated Registry Officer shall be responsible for verifying the accuracy of all information contained in the transmission sheet and shall review the content of the record to determine the appropriate measures to be taken by the Registry as a result of the record submitted for filing.

Article 10

Certification and Registration of Records Submitted for Filing

1. Upon receipt of records submitted for filing in accordance with Articles 8 and 9 of this Practice Direction, the Registrar or his or her authorized delegate shall initiate the registration process, and shall register the record submitted for filing according to the procedures set out in this Article.

2. The hard copy of each record submitted for filing shall be stamped, dated and signed by the designated Registry Officer.

3. The designated Registry Officer may utilize certificates, under conditions duly set forth in further instructions at both Branches, to certify copies of filings. Such certified copies must bear the stamp of the Mechanism and the signature of the designated Registry Officer. Copies certified pursuant to this Article shall be regarded as an exact and unaltered reproduction of the original.

4. The Registry shall be responsible for numbering each filing. This number shall be based on the case number under which the record was filed.

5. The cover page of each filing shall indicate the case number, Registry-paginated page range and filing date.

6. Every page of the filing shall be paginated by the Registry sequentially in reverse order, beginning with the final page of the filing and ending with the first page of the filing. The final page of the filing shall be assigned the next sequential page number following the first page number of the previously received filing. The suffix "bis" shall be added to the page numbers of official translations into a second language. The suffixes "ter", "quarter", etc. shall be added to official translations into multiple languages.

IV. SERVICE OF FILINGS

Article 11 Service of Filings

1. The designated Registry Officer shall serve copies of all filings electronically from the dedicated Registry Court Records email inbox on the relevant Chamber, Parties, and other designated recipients, observing any restrictions for filings designated as confidential, strictly confidential or *ex parte*, except as provided for in paragraph 3 of this Article. When notifying designated recipients of a filing, the Registry shall ensure that the following, *inter alia*, are indicated:

- (a) Case number;
- (b) Date of distribution;
- (c) Date filed;
- (d) Title of the filing; and
- (e) Status of the filing (public, confidential, strictly confidential or *ex parte*).

2. Electronic confirmation of delivery shall serve as proof of service for all filings served electronically.

3. In circumstances where it is not possible to serve filings electronically, they shall be served by post, diplomatic pouch, by fax or by hand with the notification information found in paragraph 1 of this Article. Filings served in hard copy shall be accompanied by a proof of service form, to be signed by the recipient and maintained by the Registry.

V. TRANSLATIONS

Article 12 Translations of Filings

1. Where a transmission sheet indicates that translation is required, the Registrar shall ensure the relevant official translations are made. If no indication is made on the transmission sheet, unless it is a Decision, Order or Judgement by the President or a Chamber, the filing will not be translated. Decisions, Orders and Judgements will always be translated.

2. The officially translated version of the filing shall be considered an official filing, and the procedures provided for registering filings in this Practice Direction shall apply *mutatis mutandis* to all such translated documents.

3. Each translation request shall receive a unique number, which will be linked to the original document requested for translation.

4. The numbering of a translation shall be based on the page number of the cover page of the original document to create the link between the original document and the translation. The pagination of translations shall be conducted in accordance with Article 10 of this Practice Direction.

VI. TRANSITIONAL ARRANGEMENTS

Article 13

Transitional Arrangements

1. For an interim period, and after consultation with the ICTR and ICTY Registrars, the Registry staff at the ICTR and ICTY shall support the receipt, registration and translation of filings of the Mechanism, as required and in accordance with this Practice Direction. In accordance with the provisions of Rule 31 of the Rules, the Registrar, after consultation with the ICTR and ICTY Registrars, may supplement this Practice Direction, as and when required, with written operating procedures to be used in implementing the Mechanism's Registry functions.

2. The support provided by the ICTR and ICTY may include the provision of technical assistance, including the Mechanism's usage of the Tribunal's databases, and shall be provided in accordance with security, access and management procedures or any other instructions of the Registrar.