



SPECIAL TRIBUNAL FOR LEBANON

Filing of Documents Before the Special Tribunal for Lebanon

15 January 2010

Introduction

In accordance with Rule 32 (E) of the Rules of Procedure and Evidence (“the Rules”) of the Special Tribunal for Lebanon (“the Tribunal”) and considering that the Registrar is mandated pursuant to Rule 48 (D) of the Rules to receive and file all filings and, subject to any order by the Pre-Trial Judge or a Chamber, distribute them to all intended recipients, I hereby issue this Practice Direction on the filing of documents before the Tribunal (“Practice Direction”).

Article 1

Opening and Numbering of Case Files

1. The Court Management Services Section (“CMSS”) within the Registry shall open a new case file upon receipt of:
 - (a) An application for deferral under Rule 17 of the Rules;
 - (b) A Connected Case Submission pursuant to Rule 11 or Rule 68 of the Rules; or
 - (c) An indictment submitted under Rule 68 of the Rules.

2. Upon receipt of any other application, request or motion which does not relate to an existing case against one or more Accused, the documents relating to that application, request or motion shall be filed in a miscellaneous file. One miscellaneous case file is opened per year.

3. Unless otherwise directed, only one case file shall be opened and maintained for each case, regardless of the number of Accused that are joined in a single indictment. If the Pre-Trial Judge or a Chamber directs that there should be separate trials for the Accused named in an indictment, the Registrar shall instruct CMSS to sever the initial case file and assign new case numbers to the individual cases. A case file, whether partially or entirely public or confidential, may include several separate folders. Successive folders shall be numbered sequentially.

4. Documents may be filed in multiple case files either initially or at a later stage.

5. Each document shall be filed chronologically in each case file. On the front page of each document, the following symbols shall be used when assigning case numbers (e.g. **STL-09-01/ PTJ-PD** or **STL-09-01/AC/T/R90**) :

- (a) STL - Special Tribunal for Lebanon
- (b) 09 - For the year the file was opened
- (c) 01 - Sequential number of the case
- (d) The Judge before whom or Chamber before which the document is filed.

The following initials must be used in this respect:

PTJ – Pre-Trial Judge
TC – Trial Chamber
AC – Appeals Chamber

(e) The stage of the proceedings:

D – Deferral
CCS – Connected Case Submission
I – Indictment
PD – Transfer and Provisional Detention
PT – Pre-Trial
T – Trial
S – Sentencing
ES – Enforcement of Sentence
Tbis – Re-trial following a decision of the Trial Chamber or the Appeals Chamber
A – Appeal Proceedings
R – Review Proceedings

- (f) A number indicating a reference to the Rules where necessary (e.g. AR90).
- (g) Should several appeals under the same Rule be filed, a number indicating the chronological order of the filing regardless of which Participant has filed the appeal (e.g. AR90.1).

Article 2

Procedure for Filing Documents

1. The term “filing”, and any reference in this Practice Direction to a filed document, is intended to include all documents that may be filed by a Participant in a case, including briefs, motions, applications, requests or any other written pleadings, correspondence, and Registry submissions pursuant to Rule 48 (B), as well as decisions and orders issued by the Pre-Trial Judge or a Chamber. The term “Participant”, and any reference in this Practice Direction to a Participant, is intended to include a Party, a victim participating in the proceedings, the Head of Defence Office, *amicus curiae*, a State or its representative, or any other entity or person who has been granted standing to submit a filing.
2. Documents filed before the Tribunal shall be sent to the Registry, through CMSS, in person, or by post, facsimile or electronic means, provided that, in the latter case, an electronic signature is inserted.
3. If filed electronically, all filings shall be sent to the following email address:
stl-courtfilings@un.org.
4. If filed in person, or by post or facsimile, filings shall be sent or delivered to the CMSS Court Records Office in the Registry.
5. The official hours for filing documents before the Tribunal are from 9:00 a.m. to 5:00 p.m. Central European Time, Monday to Friday, excluding any official holidays that may be advertised by the Tribunal on its website.
6. Documents received outside of the filing hours shall be registered as filed during filing hours on the next working day. Documents received electronically, by facsimile or by post before 5:00 p.m. Central European Time on a certain day shall be deemed to have been filed on that day, irrespective of the time they were received. CMSS shall record the exact date and time a document was received.

7. CMSS shall be responsible for forwarding the filing to the intended recipients on the day the document is registered as filed. The time limits under Rule 7 shall be calculated accordingly.

Article 3

Format of Documents

1. Documents shall be filed in one of the working languages of the Tribunal, as determined pursuant to Rule 10.
2. All documents shall be filed together with a “Filing Instruction Form” in the format set out in **Annex A**.
3. All documents shall have the following information on the cover page, in the format set out in **Annex B**:
 - (a) The Pre-Trial Judge before whom or Chamber before which the filing is made;
 - (b) The case number;
 - (c) The date of the filing;
 - (d) The short title of the document and any attached annex;
 - (e) Instructions regarding the document’s intended distribution, i.e. “Public”, “Confidential”, “Confidential and *Ex Parte*” or “Under Seal and *Ex Parte* with Limited Distribution”;
 - (f) The Participant who is filing the document; and
 - (g) The Participant(s) who shall receive the document.
4. No logo or stamp that is used solely for judicial documents should appear on the filing.
5. Each page of the document, other than the cover page, shall contain the following information in the footer:
 - (a) The case number, as detailed in Article 1, in the bottom left-hand corner;
 - (b) The date of the document in the bottom right-hand corner; and
 - (c) The page number and total number of pages in the bottom center.

6. The top right-hand corner of each page of every document shall be left clear for the insertion of an electronic number generated by the Registry filing system.
7. The document shall include its word count at the bottom of the last page.
8. Documents shall be typewritten and printed on one side of the page only. They shall be unbound and must not contain dividers, post-it indexes or flags.
9. Documents shall be submitted on A4 sized paper. Margins shall be at least 2.5 centimetres on all four sides. Paragraphs shall be numbered and all documents shall be paginated.
10. The typeface in English or French shall be in Times New Roman font, 12 point, with 1.5 line spacing. Footnotes shall be 10 point.
11. The typeface in Arabic shall be font Traditional Arabic, 14 point, with 1.5 line spacing. Footnotes shall be 10 point.
12. The submission of handwritten documents is permitted with prior permission from the Pre-Trial Judge or the Chamber.
13. CMSS shall provide an electronic template for the submission of documents in the applicable languages, using the above format requirements. The electronic template shall be made available on the Tribunal's website.
14. The original document shall be filed together with any photographs, audio tapes, video tapes, CD-ROMs, or any other materials that are submitted as part of the filing.

15. Where a document requires that urgent measures be taken, the Filing Instruction Form shall indicate that the document is urgent and shall contain a short explanation of the urgency.
16. The document shall be signed with a clear indication of the name and title of the person who signed it.
17. Translation of official court filings shall be made by CMSS, through the Tribunal's Language Services Section, unless otherwise instructed by the Pre-Trial Judge or the Chamber.

Article 4

Contents of Documents

1. Documents filed before the Pre-Trial Judge or a Chamber shall contain the following, where appropriate and unless otherwise decided:
 - (a) An introduction containing the legal basis for the filing and a summary of the relief sought;
 - (b) A summary of the main arguments made;
 - (c) An outline of relevant facts, including a chronology, where appropriate;
 - (d) A summary of the relevant law, including extracts of relevant legal sources;
 - (e) The Participant's arguments; and
 - (f) An appendix containing a list of authorities and copies of those authorities.
2. Any reference to a previously filed document shall include the case number in addition to the title and date of the document.

Article 5

Length of documents

1. Unless otherwise provided in the Rules, or ordered by the Pre-Trial Judge or a Chamber, documents filed before the Tribunal shall not exceed the following limits:

- (a) All preliminary motions, motions and any responses thereto shall each not exceed 20 pages or 6,000 words, whichever is greater.
- (b) A Connected Case Submission and any response thereto shall each not exceed 30 pages or 9,000 words, whichever is greater.
- (c) A request for deferral and any response thereto shall each not exceed 20 pages or 6,000 words, whichever is greater.
- (d) A request for confirmation of charges shall not exceed 30 pages or 9,000 words, whichever is greater.
- (e) A Pre-Trial Brief shall not exceed 70 pages or 21,000 words, whichever is greater.
- (f) A Final Trial Brief shall not exceed 100 pages or 30,000 words, whichever is greater.
- (g) Appeals against decisions of the Pre-Trial Judge or a Chamber which require certification to appeal shall be subject to the following limits:
 - i. A request for certification to appeal and any response thereto shall each not exceed 10 pages or 3,000 words, whichever is greater.
 - ii. For appeals for which certification is granted, the appeal brief and any response thereto shall each not exceed 20 pages or 6,000 words, whichever is greater.
- (h) Appeals against Judgments shall be subject to the following limits:
 - i. A Notice of Appeal shall not exceed 10 pages or 3,000 words, whichever is greater.
 - ii. The Appellant's Brief shall not exceed 100 pages or 30,000 words, whichever is greater. Where the Prosecutor, as Appellant, files a consolidated brief against more than one Accused, a further 30 pages or 9,000 words, whichever is greater, may be filed in respect of each additional Accused.
 - iii. The Respondent's Brief shall not exceed 100 pages or 30,000 words, whichever is greater.
 - iv. The Brief in Reply shall not exceed 30 pages or 9,000 words, whichever is greater. Where the Prosecutor, as Appellant, files a consolidated brief against more than one Accused, a further 10 pages or 3,000 words, whichever is greater, may be filed in respect of each additional Accused.

- (i) Appeals against Sentences shall be subject to the following limits:
- i. A Notice of Appeal shall not exceed 10 pages or 3,000 words, whichever is greater.
 - ii. The Appellant's Brief shall not exceed 40 pages or 12,000 words, whichever is greater. Where the Prosecutor, as Appellant, files a consolidated brief against more than one Accused, a further 20 pages or 6,000 words, whichever is greater, may be filed in respect of each additional Accused.
 - iii. The Respondent's Brief shall not exceed 40 pages or 12,000 words, whichever is greater.
 - iv. The Brief in Reply shall not exceed 10 pages or 3,000 words, whichever is greater. Where the Prosecutor, as Appellant, files a consolidated brief against more than one Accused, a further 10 pages or 3,000 words, whichever is greater, may be filed in respect of each additional Accused.
2. Headings, footnotes and quotations count towards the word limits set out in the present Article. Cover pages, tables of contents and signatures do not count towards the set limits. Any appendices, lists of authorities or copies of authorities do not count towards the set limits.

Article 6

Public Record

1. All filings made with the Registry are public records unless they are protected from disclosure by the Statute, the Rules or an order by the Pre-Trial Judge or a Chamber.
2. Where a filing has been made confidentially, a public redacted version shall be filed as soon as possible.
3. Where a filing has been made confidentially and the Pre-Trial Judge or a Chamber intends to vary the status of the filing to public, it shall seek the views of the Participant who filed the document prior to issuing its decision, where necessary.

4. Where a filing has been made confidentially and later varied to public, the Registry shall indicate on the document the reason for making the document public before releasing it on the official website.
5. Public documents may be used in press releases and posted on the official website.

Article 7

Levels of Confidentiality of Filings

Documents may be filed before the Tribunal with the following classifications:

- (a) Public: accessible in electronic format and hard copy, and available to the public;
- (b) Confidential: accessible in electronic format and hard copy, and not to be disclosed to the public;
- (c) Confidential and *Ex Parte*: accessible in electronic format and hard copy by the Chambers and the Registrar, and granted at the request and for the benefit of the Participant who filed the document only; or
- (d) Under Seal and *Ex Parte* with Limited Distribution: accessible in hard copy only and known only to the Pre-Trial Judge and the Registrar, in accordance with the procedure set out in Article 8 of this Practice Direction.

Article 8

Procedure for Sensitive Filings or other Material under Seal and *Ex Parte* with Limited Distribution

1. A Participant who seeks to submit a sensitive filing with the Tribunal, but wishes to exempt its processing from the standard filing procedure set out in this Practice Direction, may submit a filing to the Pre-Trial Judge, through the Registrar, as under seal and *ex parte* with limited distribution to only the Pre-Trial Judge and the Registrar.
2. The term “sensitive filing” is intended to include all documents that may be filed by Participants in a case, including briefs, motions, applications, requests and correspondence, as well as decisions and orders issued by the Pre-Trial Judge, whose

highly sensitive nature require that it be filed in the court record under seal and *ex parte* with limited distribution, in accordance with the procedure set out in this Article.

3. A sensitive filing shall not be filed electronically, but shall be filed manually in hard copy with the Registrar, in the manner prescribed below.
4. The original and the Pre-Trial Judge's copy of the document shall be sealed in separate envelopes with a copy of the title page attached to the front of each envelope. The title page shall include the following information:
 - (a) Case name and number;
 - (b) Date the document is being submitted;
 - (c) Identification of the status of the document as "Under Seal and *Ex parte*, with Limited Distribution"; and
 - (d) Specification as to whom the document should be distributed to.
5. The Pre-Trial Judge may accept that a document be filed under seal and *ex parte* with limited distribution only if he is satisfied that the proposed filing contains information which, if disclosed, may pose an exceptionally serious risk to the integrity of the investigation or the life of a person or persons and that there exists an overriding interest that justifies non-compliance with the standard filing procedures.
6. The Pre-Trial Judge, if satisfied that there are exceptional circumstance as set out in paragraph 5 above which permit that the document be filed under seal and *ex parte* with limited distribution, shall instruct the Registrar to do the following:
 - (a) Make a record of the receipt of the original filing without viewing the substance of the document;
 - (b) Maintain custody of the original filing in a sealed envelope; and
 - (c) Store the envelope, which shall be stamped, re-sealed, and signed by the Pre-Trial Judge, in the Registry vault with the strict instructions that it is not to be unsealed without the express authorisation of the Pre-Trial Judge or, in his absence, a Judge authorised by him.

7. If the Pre-Trial Judge is not satisfied that there are exceptional circumstance as set out in paragraph 5 above, the Registry shall return the document to the filing Participant. The filing Participant is permitted to re-file the document.
8. Any decision or order made by the Pre-Trial Judge that stems from the original filing shall be treated in the same manner as set out above.
9. The distribution of a sensitive filing is limited to the Pre-Trial Judge and the Registrar only, in accordance with the procedures set out above, unless otherwise instructed by the filing Participant. No additional duplicate copies of the filing, or translations thereof, shall be reproduced, either in hard copy or electronic format.
10. The original sealed envelope shall remain in the Registry vault until such time as the disclosure of the document would no longer cause an exceptionally serious risk to the integrity of the investigation or to the life of a person or persons, as requested by the Party submitting the filing, or as deemed necessary by the Pre-Trial Judge in consultation with the Registrar. After hearing the views of the Participant submitting the filing, the Pre-Trial Judge shall then instruct the Registrar in writing to unseal the envelope and to file the material enclosed in accordance with the standard filing and distribution procedures.

Article 9

Time Limits

1. All documents shall be filed with CMSS in accordance with the time limits provided for in the Rules, subject to the right to request a variation of the time limits pursuant to Rule 9.
2. Where the Rules do not provide for a specific time limit for a response to a filing, or for a reply, if any, the time limits set out in Rule 8 shall apply.
3. In accordance with Rule 7, time limits shall begin to run from the day after the filing of a document, decision or order.

Article 10

Late Filing

1. In case a document is filed outside the time limits as set out in the Rules, the Participant filing the document shall indicate the reasons for the delay on the Filing Instruction Form. CMSS shall, in consultation with the Pre-Trial Judge or a Chamber, accept and file the document.
2. The Pre-Trial Judge or a Chamber shall determine whether a filing is timely as well as what consequences, if any, shall ensue from a late filing.

Article 11

Deficient Filing

1. CMSS shall be responsible for verifying conformity with the provisions of this Practice Direction.
2. Should a document fail to comply with the provisions of this Practice Direction, CMSS shall complete and sign a Deficient Filing Form (**Annex C**), which will be returned to the Participant filing the document along with the original document for correction.
3. The Participant filing the document may remedy a deficient filing by filing a revised version of the document. If the revised version of the document is received outside the time limits, a copy of the Deficient Filing Form should also be filed along with the revised document.

Article 12

Filing of a Corrected Version

A Participant may file a corrigendum to a document already entered into the case file. The whole document shall be re-filed with the relevant parts corrected. The cover page shall indicate that it is a corrected version and an annex must be included indicating the changes that were made to the original version.

Article 13

Confirmation and Service of Documents Filed

1. The Participant who filed a document shall receive confirmation of receipt.
2. Recipients of filed documents shall be notified electronically of any document entered into the case file and be provided with an electronic copy of the document. Recipients shall notify CMSS of the preferred email address for service of documents. The Registrar may provide a secure email address to a recipient/participant, where necessary.
3. The Registrar shall retain and, if required by the Pre-Trial Judge or a Chamber, produce proof that the above notification was sent to and received by a recipient.
4. The following documents shall be served in person:
 - (a) A warrant of arrest;
 - (b) A summons to appear;
 - (c) Subject to Rule 76 (C), an indictment; and
 - (d) Other such documents, decisions or orders ordered by the Pre-Trial Judge or a Chamber to be notified by way of personal service.
5. Service of a filing in hard copy, where necessary, shall be effected on the same day as the electronic notification by CMSS. A memorandum of service shall be appended to the filing and shall be completed by the serving authority. The completed memorandum of service shall be filed in the case file.

Leidschendam, 15 January 2010

Antonio Cassese

President

SAMPLE TEXT

(Proper form using STL logo will be prepared)

ANNEX A-Filing Instruction Form

FILING INSTRUCTION FORM

(To Be Completed by Filing Party)

Case Number: Date of Document:

Date Filed:

Document Title:

Number of Pages:

Language(s) Filed:

Filed By:

Chamber/Defence/Prosecution/Victim-Participant/Head of Defence Office

Other :

Name: Telephone Number:

Classification: Public/Confidential/Confidential and *Ex Parte*/Under Seal and *Ex Parte* with Limited Distribution

Urgent action required: yes/no

Reason for urgency:

Revised version: yes/no

Corrigendum: yes/no

Related to: (Title, Date)

Received Stamp

SAMPLE TEXT

(Proper form using STL logo will be prepared)

ANNEX B – Sample Cover Page

SPECIAL TRIBUNAL FOR LEBANON

BEFORE THE [INSERT] CHAMBER

SPECIAL TRIBUNAL FOR LEBANON

Case No: [INSERT]

Filed with: [INSERT]

Date of document: [INSERT]

Party Filing: [INSERT]

Original language: [INSERT]

Type of document: [PUBLIC/CONFIDENTIAL/EX PARTE/ UNDER SEAL AND *EX PARTE*

WITH LIMITED DISTRIBUTION]

[INSERT TITLE]

Filed by:

XX XX

Filed by:

[INSERT TITLE OF PARTY]

[INSERT NAME

Distribution to:

Office of the Prosecutor

XX

[INSERT ACCUSED]

[INSERT COUNSEL'S NAME]

Representatives of Victim-Participants

XX

[INSERT COUNSEL'S NAME]

SAMPLE TEXT

(Proper form using STL logo will be prepared)

ANNEX C-Notice of Deficient Filing

NOTICE OF DEFICIENT FILING

(To Be Completed by CMSS Staff)

Case Number: Date of Document:

Date Filed:

Document Title:

Number of Pages: Language(s) Filed:

Filed By:

Chamber/Defence/Office of the Prosecutor

Classification: Public, Confidential, Confidential *Ex-parte*, *Ex-parte* Under Seal with Limited Distribution

Reasons "The above titled document is deemed deficient and hereby returned for the following reason:"

Acknowledgement of Filing Party

I hereby acknowledge receipt of this Notice of Deficient Filing:

Signed _____ dated: _____