

**UNITED
NATIONS**



Mechanism for International Criminal Tribunals

MICT/11

6 August 2013

Original: English

**PRACTICE DIRECTION
ON LENGTHS OF BRIEFS AND MOTIONS**

(MICT/11)

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 related to the lengths of briefs and motions at pre-trial, at trial, on appeal, and on review.¹

PAPER SIZE AND FORMAT

2. Briefs and motions shall be submitted on A4 paper. Margins shall be at least 2.5 centimetres on all four sides. All filings shall be paginated, excluding the cover sheet.

TYPEFACE

3. The typeface shall be 12 point with 1.5 line spacing. An average page should contain fewer than 300 words. The typeface for footnotes shall be 10 point with single line spacing.

LENGTH

A. Pre-trial briefs

4. The pre-trial briefs shall not exceed 15,000 words.

B. Final trial briefs

5. The final trial briefs shall not exceed 60,000 words.

¹ This Practice Direction supersedes, in relevant part, the Practice Direction Related to Appeals (MICT/4).

C. Appeals from Judgment

6. The Appellant's brief in an appeal from a final judgment of a Trial Chamber shall not exceed 30,000 words (12,000 where the appeal is restricted to sentencing):

(a) provided that, where the Prosecutor, as appellant, files a consolidated brief, the total number of words filed shall not exceed 30,000 in respect of one appellee and a further 10,000 in respect of each additional appellee; and

(b) provided that the time-limit for filing such a consolidated brief shall run from the filing date of the last notice of appeal.

7. The Respondent's brief in an appeal from a final judgment of a Trial Chamber shall not exceed 30,000 words (12,000 where the appeal is restricted to sentencing), subject to the proviso in 6 (a) applying *mutatis mutandis* to any consolidated brief in response filed by the Prosecutor, and provided that the time-limit for filing a consolidated brief in response shall run from the filing date of the last appellant's brief.

8. The brief in reply in an appeal from a final judgment of a Trial Chamber shall not exceed 9,000 words (3,000 where the appeal is restricted to sentencing):

(a) provided that, where the Prosecutor files a consolidated reply brief in respect of more than one appellee, the total number of words shall not exceed 9,000 in respect of one appellee and a further 3,000 in respect of each additional appellee; and

(b) provided that the time-limit for filing such a consolidated reply brief shall run from the filing date of the last appellee's response.

D. Interlocutory appeals (including appeals from Rule 14, Rule 90, and Rule 108 decisions)²

9. The brief of an appellant in an interlocutory appeal shall not exceed 9,000 words.

² Appeals from judgments rendered pursuant to Rule 90 or Rule 108 of the Rules shall be subject to the provisions applicable to appeals from Rule 90 and Rule 108 decisions.

10. The brief of an appellee in an interlocutory appeal shall not exceed 9,000 words.
11. The reply brief of an appellant in an interlocutory appeal shall not exceed 3,000 words.

E. Requests for review

12. A request for review under Rule 146 of the Rules shall not exceed 30,000 words.
13. The brief in response to a request for review shall not exceed 30,000 words.
14. The reply brief of the party moving for review shall not exceed 9,000 words.

F. Other motions, responses, and replies

15. Other motions, responses, and replies filed before a Chamber or, as applicable, a Judge shall not exceed 3,000 words. Where related to Rule 142 additional evidence, motions and responses shall not exceed 9,000 words, while replies shall not exceed 3,000 words. Where related to Rule 142 rebuttal material, motions, responses, and replies shall not exceed 3,000 words.

G. Materials excluded from word limits

16. Headings, footnotes and quotations count towards the above word limitations. The cover page and any addendum containing verbatim quotations of the Mechanism's Statute or Rules do not count towards the word limit. Any appendix or book of authorities does not count towards the word limit. An appendix or book of authorities shall not contain legal or factual arguments, but rather references, source materials, items from the record, exhibits, and other relevant, non-argumentative material. An appendix shall be of reasonable length, which is normally three times the word limit for that class of motion or brief (e.g., for a brief that is limited to 30,000 words by this Practice Direction, the appendix should be limited to 90,000 words), although it is understood that the length of appendices will naturally vary more than the length of briefs.


H. Variation from word limits

17. A party must seek authorization in advance to exceed the word limits in this Practice Direction and must provide an explanation of the exceptional circumstances that necessitate the oversized filing. Upon the filing by a party of a motion for an extension of the word limit, a Chamber or, as applicable, a Judge may dispose of the motion without hearing the other party, unless it is considered that there is a risk that the other party may be prejudiced.

I. Reporting the word count

18. Parties shall conduct a word count of any document they file that is subject to the length limitations set forth in this Practice Direction and shall include this information in the form “Word count: ___” at the end of the document, before the signature line.

Done this 6th day of August 2013,
At The Hague,
The Netherlands.



Judge Theodor Meron
President

[Seal of the Mechanism]