



SPECIAL TRIBUNAL FOR LEBANON

**PRACTICE DIRECTION ON PROCEDURE FOR THE FILING OF WRITTEN
SUBMISSIONS IN APPEAL PROCEEDINGS BEFORE THE
SPECIAL TRIBUNAL FOR LEBANON**

23 April 2013

STL/PD/2013/07

Introduction

In accordance with Rules 8 and 32 (E) of the Rules of Procedure and Evidence of the Special Tribunal for Lebanon (“the Rules”), after having consulted with the Council of Judges, the Judges of the Appeals Chamber, the Registrar, the Head of Defence Office and the Prosecutor, I hereby issue this Practice Direction in order to establish a procedure for the filing of written submissions in appeal proceedings before the Special Tribunal for Lebanon (“Practice Direction”).

Definitions

In addition to the definitions under Rule 2 of the Rules, the following definitions apply throughout this Practice Direction:

Appellant: A party appealing a decision or judgment by the Pre-Trial Judge, Contempt Judge or the Trial Chamber.

Respondent: The opposite party.

I. GENERAL REQUIREMENTS

Article 1

Time Limits

1. All time limits in this Practice Direction shall be calculated in accordance with Rule 7 of the Rules and Article 9 of the Practice Direction on Filing of Documents Before the Special Tribunal for Lebanon.
2. The provisions of this Practice Direction are without prejudice to any such orders or decisions that may be made by the Appeals Chamber, in particular those under Rule 9 of the Rules.

Article 2

Content of Documents

In addition to the requirements under Article 4 of the Practice Direction on Filing of Documents Before the Special Tribunal for Lebanon, any abbreviations or designations used by the parties in their filings shall be uniform throughout. Pages and paragraphs shall be

numbered consecutively from the beginning to the end. The parties are encouraged to follow the Style & Citation Guide for Chambers.

II. APPEALS AGAINST FINAL JUDGMENTS

Article 3

Notice of Appeal

1. A party seeking to appeal from a judgment of the Trial Chamber shall file a notice of appeal within the time limit specified by Rule 177 of the Rules,¹ containing, in the following sequence:
 - (a) The date of the judgment;
 - (b) The grounds of appeal, specifying clearly in respect of each ground:
 - i. Any alleged error on a question of law invalidating the decision; and/or
 - ii. Any alleged error of fact which has occasioned a miscarriage of justice;
 - iii. An identification of the finding or ruling challenged in the judgment, with specific reference to the relevant paragraph number;
 - iv. An identification of any other order, decision or ruling challenged, with specific reference to the date of its filing, and/or transcript page;
 - v. The precise relief sought;
 - (c) If relevant, the overall relief sought.
2. A party applying for leave to vary the grounds of appeal shall do so by way of motion in accordance with the Rules, setting out why good cause exists for such variation. If leave is granted to vary the grounds of appeal the varied grounds shall comply with the requirements of this Practice Direction.

¹ If the appeal relates to a judgment of acquittal, the Prosecutor shall file his notice of appeal within thirty days of the judgment. If the appeal relates to a judgment of conviction, the party seeking to appeal the judgment shall file its notice of appeal within thirty days of the pronouncement of sentence.

Article 4
Appellant's Brief

1. The Appellant shall file an Appellant's brief within the time limit specified by Rule 182,² containing, in the following order:
 - (a) An introduction with a concise summary of the relevant procedural history including the name and case number of the case, the date of the judgment, and the case number and date of any interlocutory filing or decision relevant to the appeal;
 - (b) The arguments in support of each ground of appeal, including but not limited to:
 - i. Legal arguments, giving clear and precise references to the relevant provisions of the Statute, the Rules, the case-law of the Tribunal or other legal authorities relied upon;
 - ii. Factual arguments and, if applicable, arguments as to whether a fact has been sufficiently or insufficiently proved, with precise reference to any relevant exhibit, transcript page, decision or paragraph number in the judgment;
 - iii. Arguments in support of the submitted causal link between any alleged error on a question of law invalidating the decision and/or any alleged error of fact which has occasioned a miscarriage of justice;
 - iv. The precise relief sought;
 - (c) The arguments in support of any overall relief sought.
2. The grounds of appeal and the arguments shall be set out and numbered in the same order as in the Appellant's notice of appeal, unless otherwise varied with leave of the Appeals Chamber.

² The Appellant's brief shall be filed within seventy-five days of filing of the notice of appeal (thirty days where the appeal is limited to sentencing).

Article 5
Respondent's Brief

1. The Respondent shall file a Respondent's brief within the time limit specified by Rule 183,³ containing for each ground of appeal, in the following order:
 - (a) A statement whether or not the relief sought by the Appellant is opposed;
 - (b) A statement whether or not the ground or grounds of appeal are opposed;
 - (c) Arguments in support of these statements, containing:
 - i. Legal arguments, giving clear and precise references to the relevant provisions of the Statute, the Rules, the case-law of the Tribunal or other legal authorities relied upon;
 - ii. Factual arguments and, if applicable, arguments as to whether a fact has been sufficiently or insufficiently proved, with precise reference to any relevant exhibit, transcript page, decision or paragraph number in the judgment;
 - iii. Arguments in support of the submitted causal link between any alleged error on a question of law invalidating the decision and/or any alleged error of fact which has occasioned a miscarriage of justice.
2. The statements and the arguments shall be set out and numbered in the same order as in the Appellant's brief and shall be limited to arguments in response to that brief. However, if an Appellant relies on a particular ground to reverse an acquittal, the Respondent may support the acquittal on additional grounds.

Article 6
Brief in Reply

An Appellant may file a brief in reply within the time limit specified by Rule 184,⁴ limited to arguments in reply to the Respondent's Brief, and set out and numbered in the same order as in the previous briefs.

³ The Respondent's brief shall be filed within sixty days of filing of the Appellant's brief (twenty-one days where the appeal is limited to sentencing).

Article 7
Book of Authorities

1. A paginated book of authorities must be attached to the Appellant's brief, the Respondent's brief and the brief in reply, containing a list of authorities and copies of those authorities relied upon, in their relevant parts, if not widely and publicly available through, for example, the Tribunal's website, government websites, or widely used electronic databases.
2. All authorities shall be provided in the original language and with a translation if the original is not in one of the official languages of the Tribunal. A party may object to a translation by filing a motion no later than fifteen days from the filing of the book of authorities containing the translation challenged.

Article 8
Appeals under Rules 60 bis (M), 135 (G) and 152 (I)

The provisions of Articles 3 to 7 apply *mutatis mutandis* to appeals under Rules 60 bis (M), 135 (G) and 152 (I).⁵

III. INTERLOCUTORY APPEALS

Article 9
Appeals as of Right

1. A party wishing to appeal against a decision of the Pre-Trial Judge or the Trial Chamber where an interlocutory appeal lies as of right shall file, within the time limit specified by the Rules,⁶ an interlocutory appeal brief containing:

⁴ Any brief in reply shall be filed within fifteen days of filing of the Respondent's brief (ten days where limited to sentencing).

⁵ The notice of appeal shall be filed within fifteen days of the decision finalizing a contempt case. The Appellant's brief shall be filed within fifteen days of filing the notice of appeal. The Respondent's brief shall be filed within ten days of the filing of the Appellant's brief. Any brief in reply may be filed within four days of the filing of Respondent's brief.

⁶ For Rule 108 (C): The appeal shall be filed within fourteen days of the decision. For Rule 90 (B) (i): The appeal shall be filed within ten days of the decision. For Rules 11 (D), 11 (F), 116 (D), 118 (K), 119 (D), 170 (C): The appeal shall be filed within seven days of the decision. For Rules 81 (C), 92 (D): The appeal shall be filed within three days

- (a) The precise title and date of filing of the appealed decision;
 - (b) A concise summary of the proceedings before the Pre-Trial Judge or the Trial Chamber relating to the appealed decision including an identification of all documents in the proceedings before the Pre-Trial Judge or the Trial Chamber relevant to the interlocutory appeal, 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 the appeal is filed;
 - (d) A concise statement why it is contended that the provision relied upon is applicable to the appeal;
 - (e) The grounds of appeal, specifying clearly in respect of each ground:
 - i. Any alleged error on a question of law invalidating the decision; and/or
 - ii. Any alleged error of fact which has occasioned a miscarriage of justice;
 - iii. An identification of the finding or ruling challenged in the decision, with specific reference to the paragraph number;
 - (f) The relief sought.
2. The Respondent shall file a response within the time limits specified by the Rules or this Practice Direction, as applicable.⁷ Such a response shall state whether or not the interlocutory appeal is opposed and on what grounds. 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.
3. If leave to file a reply is granted under Rule 8 (B) of the Rules, the reply shall be filed within four days of obtaining leave.

of the decision. For Rules 17 (H), 88 (B), 102 (C): Appeals by the detained person shall be filed within seven days of the decision; appeals by the Prosecutor against a decision to release shall be filed within one day of the decision.

⁷ For appeals under Rule 108 (C): The response shall be filed within fourteen days of the filing of the appeal. For appeals under Rules 11 (D), 11 (F), 90 (B) (i), 116 (D), 118 (K), 119 (D): The response shall be filed within ten days of the filing of the appeal. For appeals under Rules 81 (C), 92 (D), 170 (C): The response shall be filed within five days of the appeal. For appeals under Rules 17 (H), 88 (B), 102 (C): The response to an appeal by the Prosecutor against a decision to release shall be filed within one day of the filing of the appeal. The response to an appeal by the detained person shall be filed with seven days of the appeal.

Article 10

Appeals where Certification has been Granted

1. Where certification to appeal a decision has been granted by the Pre-Trial Judge or the Trial Chamber, a party shall file, within the time limit specified by the Rules,⁸ an interlocutory appeal brief containing
 - (a) The precise title and date of filing of the appealed decision;
 - (b) A concise summary of the proceedings before the Pre-Trial Judge or the Trial Chamber relating to the appealed decision including an identification of all documents in the proceedings before the Pre-Trial Judge or the Trial Chamber relevant to the interlocutory appeal, 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 the appeal is filed;
 - (d) The grounds of appeal, specifying clearly in respect of each ground:
 - i. Any alleged error on a question of law invalidating the decision; and/or
 - ii. Any alleged error of fact which has occasioned a miscarriage of justice;
 - iii. An identification of the finding or ruling challenged in the decision, with specific reference to the paragraph number;
 - (e) The relief sought.
2. The Respondent shall file a response within ten days of the filing of the appeal. Such a response shall state whether or not the interlocutory appeal is opposed and on what grounds. 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.
3. If leave to file a reply is granted under Rule 8 (B) of the Rules, the reply shall be filed within four days of obtaining leave.

⁸ Rule 90 (B) (ii): Appeals certified under that Rule shall be filed within ten days of the filing of the decision to certify. Rule 126 (C): Appeals certified under that Rule shall be filed within seven days of the filing of the decision to certify.

Article 11

Interlocutory Appeals in Proceedings under Rules 60 *bis*, 135 and 152

The provisions of Articles 9 and 10 apply *mutatis mutandis* to interlocutory appeals in proceedings under Rules 60 *bis*, 135 and 152.

IV. MOTIONS DURING APPEAL PROCEEDINGS

Article 12

Motions during Appeals against Final Judgment

1. Where an appeal has been filed against a final judgment,⁹ a party wishing to move the Appeals Chamber for a specific ruling or relief shall file, in accordance with the Rules, a motion containing:
 - (a) The precise ruling or relief sought;
 - (b) The specific provision of the Rules under which the ruling or relief is sought;
 - (c) The grounds on which the ruling or relief is sought.
2. The opposite party shall file a response within ten days of the filing of the motion. Responses to motions requesting a variation of time or word limits shall be filed within one day. A response shall clearly state whether or not the motion is opposed and on what grounds.
3. If leave to file a reply is granted under Rule 8 (B) of the Rules, the reply shall be filed within four days of obtaining leave.
4. A response to a motion brought under Rule 186 shall be filed within thirty days of the motion. The party filing a motion under Rule 186 may file a reply within fifteen days of the filing of the response.
5. Paragraphs 1-3 also apply to motions requesting a variation of time or word limits filed before the filing of a notice of appeal against the judgment.

⁹ See Articles 3 and 8 of this Practice Direction.

Article 13
Motions during Interlocutory Appeals

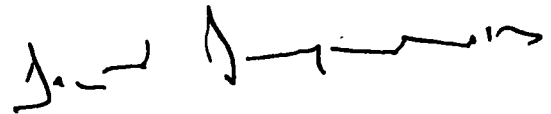
The provisions of Article 12, paragraphs 1-3 and 5, apply *mutatis mutandis* to motions filed during an interlocutory appeal.

V. NON-COMPLIANCE

Article 14
Non-compliance with the Practice Direction

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, the Appeals Chamber may, within its discretion, decide upon an appropriate remedy, which may include an order for clarification, re-filing or dismissal of the filing or submissions therein.

Leidschendam, 23 April 2013



David Baragwanath
President