



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

IT/240/Rev.1

Date: 7 April 2017

Original: English

**PRACTICE DIRECTION
ON THE PROCEDURE FOR THE REVIEW OF WRITTEN SUBMISSIONS
WHICH CONTAIN OBSCENE OR OTHERWISE OFFENSIVE LANGUAGE**

1. In accordance with Rule 19(B) of the Rules of Procedure and Evidence of the International Criminal Tribunal for the former Yugoslavia, I issue this revised Practice Direction in relation to the procedure for handling written submissions by Parties which contain obscene or otherwise offensive language.
2. Upon receipt of a submission by a Party, or of a translation of a submission the original of which is not in English or French, the Registry Court Records Assistant shall immediately provide a copy to the Court Officer, in accordance with existing Registry policies and procedures.
3. In determining whether to accept the submission for filing, the Court Officer shall take note of any language in the submission that may be considered obscene or otherwise offensive.
4. If the submission is found to contain such language, the Court Officer shall send the submission to the relevant Senior Legal Officer or Legal Officer of the Chamber/Judge seized of the case, seeking direction from the Chamber/Judge on whether the submission should be accepted for filing.
5. After consulting the Presiding Judge in the case, the Senior Legal Officer/Legal Officer shall convey the Chamber's/Judge's determination, in writing, to the Court Officer.
6. Based on the determination made by the Chamber/Judge and communicated to the Court Officer in writing, the Court Officer shall either:
 - a. instruct the Registry Court Records Assistant to file the submission, or
 - b. return the submission to the Party, together with both: (i) a letter explaining that submissions containing obscene or otherwise offensive language are not accepted for filing (sample letter attached in the annex) and specifying that the refusal to accept the submission is without prejudice to a subsequent submission in proper form; and (ii) a proof of service form. The letter and proof of service form will be in one of the working languages of the Tribunal, unless the Party is a self-represented accused who does not understand one of these languages, in which case the letter and form will be in a language that he or she understands.

7. Once the Party has signed the proof of service form, it shall be returned to the Registry. If the Party refuses to sign, this shall be noted on the proof of service form.
8. The proof of service form and any other correspondence related to the rejection of the submission, including the written direction from the Chamber, shall be placed in the case correspondence file and distributed only to the Senior Legal Officer/Legal Officer and the Court Officer.
9. A folder shall be kept by the Registry Court Records Assistant containing copies of all the submissions, letters, and translations which are not accepted for filing pursuant to this Practice Direction.



Judge Carmel Agius
President

ANNEX

Re: [Submission Number/Title]

This letter is written in response to your submission of [Date] entitled “[Title of Submission]”. The Chamber or Judge has determined that language in your submission is offensive and inappropriate for filing before this Tribunal. Accordingly the Registry refuses to accept it for filing, without prejudice to its resubmission with the offensive language removed. Please note, however, that any further submission that is considered offensive will also be returned.

Yours sincerely,

Court Officer