



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

Date: 14 November 2005

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 Tribunal, I issue this Practice Direction in order to establish a procedure for the handling of 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,¹ the Court Records Assistant from CMSS shall immediately provide a copy to the designated Court Officer handling the case, in accordance with existing CMSS 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 seized of the case, seeking direction from the Chamber 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 determination, in writing, to the Court Officer.
6. Based on the determination made by the Chamber and communicated to the Court Officer in writing, the Court Officer shall either:
 - a. instruct the Court Records Assistant to file the submission, or
 - b. return the submission to the Party, together with a letter explaining that submissions containing obscene or otherwise offensive language are not accepted for filing (sample letter attached as Annex I) and specifying that the refusal to accept the submission is without prejudice to a subsequent submission in proper form, accompanied by a Proces-Verbal (*i.e.* a "proof of service" form) in the language of the Accused.
7. Once the Accused has signed the Proces-Verbal, it shall be returned to CMSS. If the Accused refuses to sign the Proces-Verbal, this shall be noted on the Proces-Verbal.

8. The Proces-Verbal and any other correspondence related to the rejection of the submission, including the written direction from the Chamber, shall be placed in the CMSS correspondence file by the Court Records Assistant and distributed only to the Senior Legal Officer/Legal Officer and the Court Officer in the case.
9. A folder shall be kept by the Court Records Assistant containing copies of all the submissions, letters, and translations which are not accepted for filing pursuant to this Practice Direction.

Theodor Meron
President

¹ *E.g.* when an accused makes a submission in a language other than English or French, the original language submission is not to be filed until the translation of it is received; the provisions of this Practice Direction becomes operative upon receipt of the translation of such a submission.

ANNEX I

Re: Submission Number/Title

This letter is written in response to your submission of [Date] entitled _____. In response, the Chamber has determined that the 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