

20 July 2017

- 1. On 12 July 2017, the judges of the International Criminal Court (ICC), by unanimity of the 17 judges present at a special plenary convened by the President under Rule 4(2) of the Rules of Procedure and Evidence, adopted the following amendments to the Regulations of the Court during their thirty-sixth plenary session.
- 2. These amendments concern section 4 of chapter 3 of the Regulations of the Court, which addresses proceedings on appeal and revision. The amendments modify the Regulations of the Court in three respects: (i) inclusion of grounds of appeal in notices of appeal against convictions, acquittals, sentences and reparations orders; (ii) shortening of the procedure applicable in respect of appeals granting or denying interim release of a person; and (iii) clarifying certain terminology used during appeals proceedings by introducing uniform use of the term "notice of appeal" and replacing the term "document in support of the appeal" by the term "appeal brief".
- 3. The tables below place side-by-side the pre-existing text of the relevant regulations and the amended version adopted on 12 July 2017. Text which has been added to the Regulations of the Court is highlighted and text which has been deleted is shown in strike-through.
- 4. This document is provided for informational purposes only. The up-to-date and authoritative version of the Regulations of the Court can be found on the Court's website.

I. Amendments concerning the inclusion of grounds of appeal in the notice of appeal and related amendments concerning the variation of grounds of appeal

Regulation 57		
Current	Amendment	
Regulation 57	Regulation 57	
Appeal	Appeal	
For the purposes of rule 150, the	For the purposes of rule 150, the appellant shall	
appellant shall file a notice of appeal	file a notice of appeal which shall state:	
which shall state:	(a) The name and number of the case;	
(a) The name and number of the case;	(b) The <mark>title and</mark> date of the decision of	
(b) The date of the decision of	conviction or acquittal, sentence or reparation	
conviction or acquittal, sentence or	order appealed against;	
reparation order appealed against;	(c) Whether the appeal is directed against the	
(c) Whether the appeal is directed	whole decision or part thereof;	
against the whole decision or part	(d) The specific provision of the Statute	



International Criminal Cour<u>t</u>

thereof;

(d) The relief sought.

pursuant to which the appeal is filed;

(e) The grounds of appeal, cumulatively or in the alternative, specifying the alleged errors and how they affect the appealed decision;

(f) The relief sought.

Regulation 58		
Current	Amendment	
Regulation 58	Regulation 58	
Document in support of the	Document in support of the appeal Appeal brief	
appeal	1. Having filed a n <mark>notice of</mark> appeal in accordance	
1. Having filed an appeal in	with regulation 57, the appellant shall file <mark>an</mark>	
accordance with regulation 57,	appeal brief a document in support of the appeal	
the appellant shall file a	within 90 days of notification of the relevant	
document in support of the	decision.	
appeal within 90 days of	2. The document in support of the appeal <mark>brief</mark>	
notification of the relevant	shall contain the grounds of appeal. Each	
decision.	ground of appeal shall be divided into two parts:	
2. The document in support of the	(a) The ground of appeal;	
appeal shall contain	(b) The legal and/or factual reasons in support of	
the grounds of appeal. Each	the ground of appeal.	
ground of appeal shall be divided	3. The legal and/or factual reasons referred to in	
into two parts:	sub-regulation 2 (b) shall be set out	
(a) The ground of appeal;	in separate paragraphs set out the legal and/or	
(b) The legal and/or factual	factual reasons in support of each ground of	
reasons in support of the ground	appeal. Reference shall be made to the relevant	
of appeal.	part of the record or	
3. The legal and/or factual reasons	any other document or source of information as	
referred to in sub-regulation 2 (b)	regards any factual issue. Each legal	
shall be set out	reason shall be set out together with reference to	
in separate paragraphs. Reference	any relevant article, rule, regulation or other	
shall be made to the relevant part	applicable law, and any authority cited in support	
of the record or	thereof. Where applicable, the finding or ruling	
any other document or source of	challenged in the decision shall be identified, with	
information as regards any	specific reference to the page and paragraph	



alternative.

reason shall be set out together with reference to any relevant article, rule, regulation or other applicable law, and any authority cited in support thereof. Where applicable, the finding or ruling challenged in the decision shall be identified, with specific reference to the page and paragraph number.

4. Grounds of appeal may be advanced cumulatively or in the

5. The document in support of the appeal shall not exceed 100 pages.

number.

4. Grounds of appeal may be advanced cumulatively or in the alternative.

5. 3. The document in support of the appeal brief shall not exceed 100 pages.

Regulation 61	
Current	Amendment
Regulation 61	Regulation 61
Variation of grounds of appeal	Variation of grounds of appeal presented
presented before the Appeals	before the Appeals Chamber
Chamber	
	[]
[]	
	5. If the variation is granted, the Appeals
5. If the variation is granted, the	Chamber shall specify both the time limit
Appeals Chamber shall specify both	within which the appellant shall file the
the time limit within which the	document setting out the grounds of appeal as
appellant shall file the document	varied and the page limit for that document.
setting out the grounds of appeal as	and the time limit for the filing of the appeal
varied and the page limit for that	brief is still running, the Appeals Chamber
document. Regulation 58, sub-	may:
regulations 2 and 3, shall apply mutatis	
mutandis.	(a) maintain the time limit for the filing of the



- 6. Any response to the document described in sub-regulation 5 shall be filed within the time limit specified by the Appeals Chamber. The Appeals Chamber may also fix a page limit for the response and otherwise regulation 59 shall apply *mutatis mutandis*.
- 7. Regulation 60 shall apply *mutatis mutandis* with regard to any reply to the response filed in accordance with sub-regulation 6.

appeal brief; or

- (b) extend the time limit for the filing of the appeal brief; or
- (c) maintain the time limit for the filing of the appeal brief in relation to the grounds of appeal set out in the notice of appeal that have not been varied, but order the filing of a supplemental brief containing the varied grounds of appeal and the legal or factual reasons in support thereof within a time and page limit specified by the Appeals Chamber. Regulation 58, sub-regulations 2 and 3, shall apply mutatis mutandis to the supplemental brief.
- 6. If the variation is granted and the appeal brief has already been filed, the Appeals Chamber shall specify both the time and page limit within which the appellant shall file a supplemental brief setting out the grounds of appeal as varied, including the legal and factual reasons in support of each ground of appeal. Regulation 58, sub-regulation 2, shall apply *mutatis mutandis* to the supplemental brief.
- 67. Any response to the document supplemental brief described in subregulations 5 or 6 above shall be filed within the time limit specified by the Appeals Chamber. The Appeals Chamber may also fix a page limit for the response and otherwise regulation 59 shall apply *mutatis mutandis*.



International Criminal Cour<u>t</u>

78. Regulation 60 shall apply *mutatis mutandis* with regard to any reply to the response filed in accordance with sub-regulation $\frac{67}{2}$.

II. Amendments concerning the procedure for appeals filed under article 82, paragraph 1 (b) of the Rome Statute

Regulation 64

Current	Amendment
Regulation 64	Regulation 64
Appeals under rule 154	Appeals under rule 154
1. An appeal filed under rule 154 shall	1. With the exception of appeals filed
state:	under article 82, paragraph 1 (b), An a
(a) The name and number of the case or	<mark>notice of</mark> appeal filed under <mark>for the</mark>
situation;	purposes of rule 154 shall state:
(b) The title and date of the decision	(a) The name and number of the case or
being appealed;	situation;
(c) The specific provision of the Statute	(b) The title and date of the decision being
pursuant to which the appeal is filed;	appealed;
(d) The relief sought.	(c) Whether the appeal is directed against
2. Subject to sub-regulations 5 and 6, the	the whole decision or part thereof;
appellant shall file a document in support	(d) The specific provision of the Statute
of the appeal, with reference to the	pursuant to which the appeal is filed;
appeal, within 21 days of notification of	(e) The relief sought.
the relevant decision. The document in	2. Subject to sub-regulations 5 and 6 <mark>and 8</mark> ,
support of the appeal shall set out the	the appellant shall file a <mark>n appeal brief</mark>
grounds of appeal and shall contain the	document in support of the appeal, with
legal and/or factual reasons in support of	reference to the appeal, within 21 days of
each ground of appeal. Each reason shall	notification of the relevant decision. The
be set out in separate paragraphs.	document in support of the appeal <mark>brief</mark>
Reference shall be made to the relevant	shall set out the grounds of appeal and
part of the record or any other document	shall contain the legal and/or factual
or source of information as regards any	reasons in support of each ground of



factual issue. Each legal reason shall be set out together with reference to any relevant article, rule, regulation or other applicable law, and any authority cited in support thereof. The document in support of the appeal shall, where applicable, identify the finding or ruling challenged in the decision, with specific reference to the page and paragraph number.

- 3. Grounds of appeal may be advanced cumulatively or in the alternative.
- 4. Subject to sub-regulations 5 and 6, a participant may file a response within 21 days of notification of the document in support of the appeal as follows:
- (a) Each ground of appeal shall be answered separately, stating whether it is opposed, in whole or in part, together with the grounds put forward in support thereof; it shall also be stated whether the relief sought is opposed, in whole or in part, together with the grounds of opposition in support thereto;
- (b) The legal and/or factual reasons in support.
- 5. For appeals filed under article 82, paragraph 1 (b), the document in support of the appeal shall be filed by the appellant within seven days of notification of the relevant decision. The response shall be filed within five days of notification of the document in support of the appeal.
- 6. For appeals filed under article 82, paragraph 1 (c), the document in support

appeal. Each reason shall be set out in separate paragraphs. Reference shall be made to the relevant part of the record or any other document or source of information as regards any factual issue. Each legal reason shall be set out together with reference to any relevant article, rule, regulation or other applicable law, and any authority cited in support thereof. The document in support of the appeal brief shall, where applicable, identify the finding or ruling challenged in the decision, with specific reference to the page and paragraph number.

- 3. Grounds of appeal may be advanced cumulatively or in the alternative.
- 4. Subject to sub-regulations 5 and 6 and 8, a participant may file a response within 21 days of notification of the document in support of the appeal brief as follows:
- (a) Each ground of appeal shall be answered separately, stating whether it is opposed, in whole or in part, together with the grounds put forward in support thereof; it shall also be stated whether the relief sought is opposed, in whole or in part, together with the grounds of opposition in support thereto;
- (b) The legal and/or factual reasons in support.
- 5. For appeals filed under article 82, paragraph 1 (b) and rule 154, document in support of the appeal shall be filed by the appellant within seven days of notification of the relevant decision. The response shall



of the appeal shall be filed by the appellant within four days of notification of the relevant decision. The response shall be filed within two days of notification of the document in support of the appeal.

be filed within five days of notification of the document in support of the appeal. the notice of appeal shall state:

- (a) The name and number of the case or situation;
- (b) The title and date of the decision being appealed;
- (c) Whether the appeal is directed against the whole decision or part thereof;
- (d) The specific provision of the Statute pursuant to which the appeal is filed;
- (e) The grounds of appeal, cumulatively or in the alternative, specifying the alleged errors and how they affect the appealed decision;
- (f) The relief sought.
- 6. For appeals filed under article 82, paragraph 1 (b) and rule 154, the Appeals Chamber shall, within two days of the filing of the notice of appeal, issue directions for the conduct of the proceedings, which may, at its full discretion, include:
- (a) scheduling a hearing to be held no later than 10 days from the notification of the notice of appeal. Depending on the circumstances, the Appeals Chamber may decide to adjourn the hearing following all or some of the participants' submissions and resume the hearing on a later date. The holding of a hearing is without prejudice to the Appeals Chamber also requiring the submission of written arguments or summaries thereof in advance of and/or following the hearing. The date of the



hearing may be fixed after the 10 day deadline if necessary; or

(b) proceeding by way of written submissions only and setting a timetable therefor.

7. For appeals against a decision pursuant to article 60, paragraphs 2 or 4, the Appeals Chamber shall render its reasoned judgment within 45 days from the date of any hearing, or, in the event that any hearing is held after the 10 day deadline as provided for in sub-regulation 6 above, not later than 75 days from the rendering of the decision being appealed. For appeals against a decision pursuant to article 60, paragraph 3, the Appeals Chamber shall render its reasoned judgment within 30 days from the date of any hearing, or, in the event that any hearing is held after the 10 day deadline as provided for in subregulation 6 above, not later than 55 days from the rendering of the decision being <mark>appealed</mark>.

68. For appeals filed under article 82, paragraph 1 (c), the document in support of the appeal brief shall be filed by the appellant within four days of notification of the relevant decision. The response shall be filed within two days of notification of the document in support of the appeal brief.



III. Other amendments concerning the terminology of notice of appeal and appeal brief

Regulation 59		
Current	Amendment	
Regulation 59	Regulation 59	
Response	Response	
1. A participant may file a response within	1. A participant may file a response within	
60 days of notification of the document in	60 days of notification of the document in	
support of the appeal described in	support of the appeal <mark>brief</mark>	
regulation 58 as follows:	described in regulation 58 as follows:	
(a) Each ground of appeal shall be	(a) Each ground of appeal shall be	
answered separately, stating whether it is	answered separately, stating whether it is	
opposed, in whole or in part, together	opposed, in whole or in part, together	
with the grounds put forward in support	with the grounds put forward in support	
thereof; it shall also be stated whether the	thereof; it shall also be stated whether the	
relief sought is opposed, in whole or in	relief sought is opposed, in whole or in	
part, together with the grounds of	part, together with the grounds of	
opposition in support	opposition in support thereto;	
thereto;	(b) When facts are relied on that are not	
(b) When facts are relied on that are not	already set out in the <mark>notice of</mark> appeal or	
already set out in the appeal or the	the document in support of the	
document in support of the	appeal <mark>brief</mark> , reference shall be made to	
appeal, reference shall be made to the	the relevant part of the record or any other	
relevant part of the record or any other	document or source of information;	
document or source of	(c) Each legal reason relied on in support	
information;	of the response shall be set out together	
(c) Each legal reason relied on in support	with reference to any relevant article, rule,	
of the response shall be set out together	regulation or other applicable law, and	
with reference to any relevant article, rule,	any authority cited in support thereof.	
regulation or other applicable law, and	2. The response shall not exceed 100	
any authority cited in support thereof.	pages. To the extent possible, it shall be	
2. The response shall not exceed 100	set out and numbered in the same order as	
pages. To the extent possible, it shall be	in the document <mark>appeal brief</mark> described in	
set out and numbered in the same order as	regulation 58.	
in the document described in regulation		
58.		



Regulation 63		
Current	Amendment	
Regulation 63	Regulation 63	
Consolidated appeals under rule 150	Consolidated appeals under rule 150	
1. Unless otherwise ordered by the	1. Unless otherwise ordered by the	
Appeals Chamber, in a case of more than	Appeals Chamber, in a case of more than	
one appeal under rule 150:	one appeal under rule 150:	
(a) When the Prosecutor appeals, he or	(a) When the Prosecutor appeals, he or she	
she shall file one consolidated document	shall file one consolidated document in	
in support of all appeals in accordance	support of all appeals <mark>appeal brief</mark> in	
with regulation 58;	accordance with regulation 58;	
(b) When more than one convicted person	(b) When more than one convicted person	
files a document in support of the appeal,	files a document in support of the appeal	
the Prosecutor shall file a consolidated	an appeal brief, the Prosecutor shall file a	
response in accordance with regulation	consolidated response in accordance with	
59.	regulation 59.	
2. Regulation 60 shall apply mutatis	2. Regulation 60 shall apply mutatis	
mutandis and any reply filed by the	mutandis and any reply filed by the	
Prosecutor shall be by way of a	Prosecutor shall be by way of a	
consolidated reply.	consolidated reply.	
3. For a consolidated document in support	3. For a consolidated document in support	
of more than one appeal and a	of more than one appeal <mark>appeal brief</mark> and a	
consolidated response, as described in	consolidated response, as described in sub-	
sub-regulation 1, the page limit shall be	regulation 1, the page limit shall be 100	
100 pages plus a further 40 pages for each	pages plus a further 40 pages for each	
additional convicted or acquitted person.	additional convicted or acquitted person.	
The page limit for any consolidated reply	The page limit for any consolidated reply	
as described in sub-regulation 2 shall be	as described in sub-regulation 2 shall be 50	
50 pages plus a further 20 pages for each	pages plus a further 20 pages for each	
additional convicted or acquitted person.	additional convicted or acquitted person.	
4. The time limit for filing a consolidated	4. The time limit for filing a consolidated	
response by the Prosecutor shall run from	response by the Prosecutor shall run from	
notification of the last document filed in	notification of the last document appeal	
support of the appeal by a convicted	brief filed in support of the appeal by a	



International Criminal Cour<u>t</u>

person in a given case. convicted person in a given case.

Regulation 65	
Current	Amendment
Regulation 65	Regulation 65
Appeals under rule 155	Appeals under rule 155
[]	[]
4. When leave to appeal is granted, the	4. When leave to appeal is granted, the
appellant shall file, within ten days of	appellant shall file, within ten days of
notification of the decision granting leave	notification of the decision granting leave to
to appeal, a document in support of the	appeal, a <mark>n</mark> document in support of the
appeal in accordance with regulation 64,	appeal brief in accordance with regulation
sub-regulation 2. Such document shall	64, sub-regulation 2. Such document shall
also contain the precise title and date of	also contain the precise title and date of
filing of the decision granting leave to	filing of the decision granting leave to
appeal.	appeal.
5. Participants may file a response within	5. Participants may file a response within
ten days of notification of the document	ten days of notification of the document in
in support of the appeal. Regulation 64,	support of the appeal brief. Regulation 64,
sub-regulation 4, shall apply mutatis	sub-regulation 4, shall apply mutatis
mutandis.	mutandis.