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**International
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Date: **24 January 2012**

PRE-TRIAL CHAMBER III

Before: Judge Silvia Fernández de Gurmendi, Single Judge

**SITUATION IN THE REPUBLIC OF CÔTE D'IVOIRE
IN THE CASE OF
*THE PROSECUTOR v. LAURENT GBAGBO***

Public document

Decision establishing a disclosure system and a calendar for disclosure

Decision to be notified, in accordance with regulation 31 of the Regulations of the Court, to:

The Office of the Prosecutor
Mr Luis Moreno-Ocampo
Ms Fatou Bensouda

Counsel for the Defence
Mr Emmanuel Altit

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Detention Section

Victims and Witnesses Unit

Others

**Victims Participation and
Reparations Section**

I, Judge Silvia Fernández de Gurmendi, Single Judge for Pre-Trial Chamber III of the International Criminal Court (“Chamber” and “Court” respectively), responsible for carrying out the functions of the Chamber in relation to the case of *The Prosecutor v. Laurent Gbagbo* (“Case”)¹ hereby render this decision for the purpose of establishing a disclosure system as well as a calendar for disclosure.

I) Procedural History

1. On 5 December 2011, the first appearance of Mr Laurent Gbagbo was held before the Court. At the hearing, the Chamber scheduled the commencement of the confirmation hearing for 18 June 2012.²

2. On 9 December 2011, the Single Judge issued the “Decision Convening Status Conferences” in order to (i) discuss with the parties all matters which might be relevant to the disclosure process and (ii) obtain in the course of an *ex parte* hearing with the Prosecutor, the Division of Court Services and the Victims and Witnesses Unit (VWU) information on security matters and protective measures to be put in place, if necessary.³

3. During the first status conference, the Single Judge requested the parties to continue discussing the system for disclosure and redactions as well as the need for the adoption of a protocol on the handling of confidential information during investigations and contact with witnesses of the other party and to submit a “probably joint proposal by 11 January.”⁴ On 11 January 2012, the Prosecutor unilaterally filed the “Prosecution Update on Discussions with Defence

¹ Oral Decision of the Chamber, 5 December 2011, ICC-02/11-01/11-T-1-ENG, page 8.

² ICC-02/11-01/11-T-1-ENG, page 8.

³ Decision Convening Status Conferences, ICC-02/11-01/11-15.

⁴ ICC-02/11-01/11-T-3-ENG ET, page 31, lines 5-16.

Regarding Procedures for Disclosure and Redactions”⁵ (“Prosecutor Update”) whereby the Prosecutor informs the Single Judge of “the outcome of [the] discussions and the agreements reached by the Prosecutor and the Defence on the applicable system of disclosure, format of an in-depth analysis chart and the procedure when seeking redactions” and requests the Single Judge to endorse the agreed procedures.⁶

4. On 13 January 2012, the Defence filed the “*Position de la Défense du Président Gbagbo concernant les procédures de divulgation et d’expurgation*” (“Defence Request”)⁷ submitting that the content of the Prosecutor Update had not been agreed upon and that the Defence had not been informed of its filing. In particular, it contends that important points, which are essential to the conclusion of an agreement, are yet to be discussed. The Defence accordingly provides its own summary of the state of the discussion between the parties, the points of agreement and outstanding issues.

II) Preliminary remarks

5. The Single Judge has carefully reviewed the observations made by the parties at the status conference as well as in their respective written submissions.⁸

6. The Single Judge notes that the parties’ observations, discussions and efforts to reach an agreement were requested in order to facilitate the disclosure and redactions processes with a view to ensuring the expeditiousness of the proceedings. Agreement between the parties is not a prerequisite for the Single Judge to establish the applicable system.

⁵ ICC-02/11-01/11-25 and its annexes.

⁶ *Ibid.*, para.4.

⁷ ICC-02/11-01/11-27-Conf.

⁸ Defence Request, pp.3-4.

7. In light of the foregoing, the Single Judge is of the view that the Chamber has been sufficiently informed of the positions of both parties on all matters related to the disclosure and redaction systems, including the points still under discussion between the parties. Accordingly, and in order not to delay the proceedings, no further submissions are at this stage necessary to enable the Chamber to reach a decision on the matter.

8. Finally, the Single Judge notes that the Defence Request, as well as the annexes thereto, were filed as confidential. However, the Defence has failed to state the factual and legal basis for the chosen classification as required by Regulation 23 *bis* of the Regulations of the Court. Accordingly, and in light of the fact that the submissions of the Defence do not contain any sensitive information, this document should be reclassified as public. However, the annexes thereto shall remain classified as confidential as they contain the contacts details of the Prosecutor's and Defence's teams.

II) Analysis

9. The present decision aims at establishing, in light of the different precedents of the Pre-Trial Chambers of the Court as well as the parties' observations and submissions, (a) the system governing disclosure for the purpose of the confirmation of charges hearing in the present Case; (b) the time-frame for disclosure and requests for redactions; (c) the procedure related to the requests for redactions and protective measures; and (d) the registration procedure.

10. For these purposes, the Single Judge notes Articles 21, 54(3)(e), 61 (3) and (7), 67(1)(a) - (b), (2), 69(3), 72 and 93(8) of the Rome Statute ("Statute"), Rules 15, 63(1), 76-83, 121 (2-10) and 122 of the Rules of Procedure and Evidence ("Rules"),

Regulations 26 and 33 of the Regulations of the Court (“Regulations”), Regulations 15-19, 21, 24, 28 and 53(3) of the Regulations of the Registry (“RoR”) and regulations 48, 51(a) and (b), 55, 56, 58 and 59 of the Regulations of the Office of the Prosecutor.

A. The system governing disclosure for the purpose of the confirmation hearing

11. The Single Judge notes that the Pre-Trial Chambers of the Court have taken different approaches towards the disclosure process.⁹ This divergence in approach derives from a different reading of the relevant provisions as well as a different interpretation of the role of the Chamber with regard to disclosure and, more broadly, to the pre-trial proceedings.

12. At the Status Conference and in their written submissions, the parties supported the adoption of the disclosure system adopted by Pre-Trial Chamber I in the case of *The Prosecutor v. Bahar Idriss Abu Garda*¹⁰ (Abu Garda Case) albeit with “minor adjustments” which will be addressed where relevant.¹¹

13. The Single Judge is of the view that Pre-Trial Chamber’s I approach to the disclosure system as established in the Abu Garda Case should, to a large extent, be followed in the present Case for the reasons given below.

⁹ See, for instance, PTC II, Decision on the Evidence Disclosure System and Setting a timetable for Disclosure between the Parties, 31 July 2008, ICC-01/05-01/08-55; PTC II, Decision setting the Regime for Evidence Disclosure and Other Related Matters, 6 April 2011, ICC-01/09-02/11-48; PTC I, Second Decision on issues relating to Disclosure, 15 July 2009, ICC-02/05-02/09-35; PTC I, Decision on issues relating to disclosure, 29 June 2010, ICC-02/05-03/09.

¹⁰ PTC I, Second Decision on issues relating to Disclosure, 15 July 2009, ICC-02/05-02/09-35.

¹¹ Prosecutor Update, para.6; Defence Request, p.5.

14. Rule 121(2)(c) of the Rules refers to “*all evidence disclosed between the Prosecutor and the person* for the purposes of the confirmation hearing.”¹²

Accordingly the disclosure process is envisaged as being *inter partes*.

15. In relation to the evidence that must be “communicated” to the Chamber pursuant to Rule 121(2)(c) of the Rules, the Single Judge concurs with Pre-Trial Chamber I’s interpretation as recalled in the Abu Garda Case. In particular, the Single Judge endorses the view that the duty of communication to the Pre-Trial Chamber of “[a]ll evidence disclosed between the Prosecutor and the person for the purposes of the confirmation hearing pursuant to Rule 121(2)(c) of the Rules” is aimed “at placing the Pre-Trial Chamber in a position to properly organize and conduct the confirmation hearing.”¹³ Accordingly, such duty of communication only entails the filing in the record of the Case of the evidence to be presented at the confirmation of charges hearing and not all the evidence disclosed *inter partes*.¹⁴

16. As a result of the above, the Prosecutor is required to file in the record of the case the following documents:

- (i) pursuant to Rule 121(3) of the Rules, a document containing a detailed description of the charges (“DCC”) together with a list of the evidence (LoE) relied upon for the purposes of the confirmation hearing;

¹² Emphasis added.

¹³ PTC I, Second Decision on issues relating to Disclosure, 15 July 2009, ICC-02/05-02/09-35, para.7.

¹⁴ PTC I, Second Decision on issues relating to Disclosure, 15 July 2009, ICC-02/05-02/09-35, para.8.

- (ii) pursuant to Rule 121(4) of the Rules, an amendment to the DCC, if any, together with a list of evidence in support of the amended charges; and
- (iii) pursuant to Rule 121(5) of the Rules, a list of new evidence, if he intends to present new evidence.

17. The Defence, should it decide to present evidence pursuant to Article 61(6) of the Statute, shall file, pursuant to Rule 121(6) of the Rules a list of that evidence.

18. Both parties must file in the record of the case the actual evidence contained in the abovementioned lists.

19. As a consequence, the parties are not requested to file in the record of the case the materials that were disclosed in the course of the *inter partes* exchanges and upon which neither of them intends to rely at the hearing. Such materials, which do not need to be filed in the record unless a party intends to rely on them at the hearing, may also include materials that (i) the Prosecutor is under an obligation to disclose to the Defence pursuant to Article 67(2) of the Statute as such evidence “shows or tends to show the innocence of the accused, or mitigate the guilt of the accused, or which may affect the credibility of prosecution evidence;” or (ii) the Prosecutor is, pursuant to Rule 77 of the Rules, under an obligation to permit the Defence to inspect as they are material to the preparation of the Defence or were obtained from or belonged to the person.

20. The Single Judge is of the view that the approach, as outlined above, complies with the limited scope of the confirmation of charges proceedings. Pursuant to Article 61(7) of the Statute, the Chamber’s duty is only to determine

“whether there is sufficient evidence to establish substantial grounds to believe that the person committed each of the crimes charged” and not, as is the task of the Trial Chamber pursuant to Article 66(3) of the Statute, to determine whether the accused is guilty beyond reasonable doubt.

21. Nonetheless, the Single Judge recalls that it is her duty, pursuant to Rule 121(2)(b) of the Rules, to ensure that disclosure takes place under satisfactory conditions and that, in accordance with Article 67(1)(a) and (b) of the Statute, the suspect is informed promptly and in detail of the nature, cause and content of the charges against him and has adequate time and facilities for the preparation of his defence.

22. To that end, the Single Judge orders the parties to file the following additional documents in the record of the Case:

1. *Disclosure Note*

23. As advocated by the parties and following PTC I’s practice¹⁵ the Prosecutor should file in the record of the case a disclosure note following any act of disclosure of material under Article 67(2) of the Statute. As a record of the *inter partes* exchanges, each disclosure note shall be signed by both parties and shall contain a list of the items disclosed. Such list shall include for each item:

- (i) the reference number (document ID/ERN);
- (ii) the date of the item as well as the date of its disclosure;
- (iii) the type of item;

¹⁵ Prosecutor Update, para.8 ; Defence Request, p.5.

(iv) the title of the item; and

(v) the number of pages of the item.

24. Furthermore, in order to facilitate the Defence's assessment of the materials disclosed pursuant to Article 67(2) of the Statute and to ensure that the Defence has adequate time and facilities for the preparation of its case, the Prosecutor shall also include in the disclosure note (i) a concise summary of the content of each item and (ii) an explanation of the relevance of such item as potentially exculpatory.

25. The Prosecutor shall also highlight in each item disclosed the relevant portions that he believes fall within the ambit of Article 67(2) of the Statute.

2. Pre-Inspection Report

26. In relation to materials covered by Rule 77 of the Rules, the Prosecutor shall file in the record of the case a pre-inspection report. This report shall contain a list of the items submitted to the Defence which shall include:

(i) the reference number (document ID/ERN);

(ii) the date of the item as well as the date of its inspection;

(iii) the type of item;

(iv) the title of the item; and

(v) the number of pages of the item.

27. In relation to those items which are material to the preparation of the defence, the Prosecutor shall also include in the pre-inspection report:

- (i) a concise summary of the content of such items;
- (ii) an explanation of the relevance of such items for the preparation of the defence; and
- (iii) highlighting of the relevant portion(s) that he believes are material to the preparation of the Defence.

3. Inspection Report

28. The Single Judge is of the view that in order to ensure that disclosure takes place under satisfactory conditions, an inspection report shall also be filed by the Prosecutor in the record of the case following any act of inspection of the originals of the documents identified by the Defence. The inspection report shall be signed by both parties and include a list of the items inspected and their reference numbers. In addition, it shall contain a brief account of how and when the inspection took place and whether and when the Defence received the copies requested during the inspection.

4. A consolidated Element Based Chart.

29. The format and purpose of this Chart is further discussed in Section B below.

5. Reports on documents covered by Articles 54(3)(e), 72 or 93(8) of the Statute

30. Pursuant to Article 67(2) of the Statute and Rule 77 of the Rules, the Prosecutor is under an obligation to disclose or permit the inspection to the Defence as soon as practicable of all exculpatory evidence in his possession or of items otherwise material to the preparation of the Defence. Thus, it is also the duty of the Prosecutor to take measures to ensure the disclosure of such documents to the Defence when such documents are subject to Articles 54(3)(e), 72 or 93(8) of the Statute.

31. During the status conference, the Prosecutor indicated that he “did not provide any guarantee under Article 54(3)(e) of the Statute.”¹⁶ Accordingly, he had not obtained, at that stage, documents pursuant to Article 54(3)(e) of the Statute containing exculpatory material.

32. Whilst taking note of the Prosecutor statement, the Single Judge also notes the Prosecutor’s statement that his investigations are still ongoing.¹⁷ Accordingly, in the event that, in the course of his investigations, the Prosecutor obtains documents subject to Articles 54(3)(e), 72 or 93(8) of the Statute which contain potentially exculpatory materials, he must: (i) enter into contact with the document provider as soon as practicable in order to seek its consent for the document’s disclosure and (ii) inform the Chamber as soon as practicable of the existence of such document through a report which shall also contain information as to the actions taken with the information provider.

¹⁶ ICC-02/11-01/11-T-3-ENG ET, p.24.

¹⁷ ICC-02/11-01/11-T-3-ENG ET, p.13.

B. Format and time frame for disclosure

1. Disclosure by the Prosecutor

- (i) *the filing of the detailed description of the charges together with a list of the evidence and element based chart*

33. The parties concur with the adoption of what they called an “In-Depth Analysis Chart” or “IDAC”.¹⁸ The Single Judge notes that such IDAC is similar to the model of the LoE followed in the cases before Pre-Trial Chamber I, albeit with a few additions, and will accordingly be referred to by the Single Judge as the LoE instead of an in-depth analysis chart or IDAC.

34. In particular, the parties submit that the LoE should be “fact-based” and should include the following information: (i) “factual statement, derived from the Document Containing the Charges”; (ii) “document ID or ERN”; (iii) “title of the document”; (iv) “document type”; (v) “date of the document”; (vi) “relevant excerpts of the document”; and (vii) “elements of the charges to which the document pertains”.¹⁹ Furthermore, the parties agreed on the filing of an additional chart which will be based on the constituent elements of the crimes charged.²⁰ The Single Judge will refer to the latter document as an element based chart.

35. The Prosecutor states that since the LoE and the additional element based chart are both based on the facts set out in the DCC, he should provide them pursuant to Rule 121(3) of the Rules, at the latest 30 days prior to the date of the

¹⁸ Prosecutor Update, paras 11-14; Defence Request, pp.7-8, 12, 14.

¹⁹ Prosecutor Update, para.12. See also Defence Request, p.5.

²⁰ Prosecutor Update, para.12. See also Defence Request, p.5.

confirmation hearing.²¹ The Defence requests that provisional DCCs be filed by the Prosecutor during the disclosure process in order to be in a position to adapt to the charges to be brought by the Prosecutor.²² The Defence suggests that such temporary DCCs could be filed every two months.²³ The Defence further requests that each batch of incriminating evidence be disclosed by the Prosecutor together with a LoE as hereinbefore described and that a compiled version of the LoE be disclosed as soon as possible and no later than 30 days before the date of the confirmation hearing.²⁴

36. The Single Judge notes that Article 61(3) of the Statute states that “within a reasonable time before the hearing, the person shall (a) be provided with a copy of the document containing the charges on which the Prosecutor intends to bring the person to trial; and (b) be informed of the evidence on which the Prosecutor intends to rely at the hearing.” In this respect, Rule 121(3) of the Rules provides that the Prosecutor shall provide to the Chamber and the Defence “no later than 30 days before the date of the confirmation hearing, a detailed description of the charges together with a list of the evidence which [he] intends to present at the hearing.” Therefore and in light of Regulation 33 of the Regulations, the Prosecutor shall provide the DCC and the LoE and a consolidated element based chart no later than 16 May 2012.

37. However, the Single Judge would like to emphasize that, as stated by Pre-Trial Chamber II, while Rule 121(3) of the Rules allows the Prosecutor to file the DCC and LoE on the 30th day preceding the start of the confirmation hearing, this is “only indicative of the minimum time-limits that a party can avail itself to

²¹ Prosecutor Update, para.14.

²² Defence Request, p.6.

²³ Defence Request, p.6.

²⁴ Defence Request, p.7.

comply with its disclosure obligations.”²⁵ Furthermore, such provision should be read in conjunction with and subject to Articles 61 and 67 of the Statute. Article 61 of the Statute allows the suspect to object to the charges, challenge the evidence presented by the Prosecutor and to present evidence. Article 67 (1) of the Statute²⁶ sets out as minimum guarantees the right of the suspect to be “informed promptly and in detail of the nature, cause and content of the charge, in a language which the accused fully understands and speaks” and “to have adequate time” for the preparation of the defence.

38. In light of the foregoing the Prosecutor is encouraged to fulfil his disclosure obligations as soon as practicable without waiting for the statutory deadlines to expire.²⁷ In this respect, the Single Judge notes that during the status conference, the Prosecutor indicated that by “late March or early April [he] should have a much better idea of how many documents [he is] intending to use.”²⁸ The Single Judge is nonetheless of the view that different dead-lines could be set depending on the date on which evidence is collected by the Prosecutor. As highlighted by Pre-Trial Chamber II:

“the Prosecutor is the triggering force of the proceedings, in the sense that the determination as to whether, and when, an application for a warrant of arrest or a summons to appear is to be filed before the Chamber falls squarely within his prerogatives. The Single Judge thus expects that, before approaching the Chamber with his application for summonses to appear [...] the Prosecutor has carefully reviewed the evidence in his possession at that time, both incriminating and exculpatory. Furthermore,

²⁵ PTC II, Decision setting the Regime for Evidence Disclosure and Other Related Matters, 6 April 2011, ICC-01/09-02/11-48.

²⁶ Pursuant to rule 121 (1) of the Rules, the person shall as of her or his first appearance before a Pre-trial Chamber enjoy the rights set forth in article 67 of the Statute.

²⁷ See also PTC II, Decision Setting the Regime for Evidence Disclosure and Other Related Matters, 6 April 2011, ICC-01/09-02/11-48, para.11.

²⁸ ICC-02/11-01/11-T-3-ENG, page 14, lines 11-18.

this material has been in his domain for sufficient time for him to be able to disclose to the Defence or to request for redactions, if need be, within a short period of time.”²⁹

39. Accordingly, in the view of the Single Judge, the Prosecutor shall disclose to the Defence (i) as soon as practicable and no later than 3 February 2012 any evidence on which he intends to rely on at the confirmation hearing which was collected prior to and used in support of his application pursuant to Article 58 of the Statute (i.e. 25 October 2011) and in relation to which no protective measures are required; (ii) as soon as practicable and no later than 10 February 2012 any evidence on which he intends to rely on at the confirmation hearing which was collected between the 25 October 2011 and the filing of the present decision and in relation to which no protective measures are required and (iii) as soon as practicable, on a rolling basis, and no later than 30 days prior to the date of the confirmation hearing any evidence collected after the filing of the present decision, subject to any further decision of the Chamber setting more specific dead-lines.

40. The Single Judge further considers that in order to place the Defence in a position to adequately prepare for the confirmation hearing:

- (i) each batch of incriminating evidence shall be disclosed to the Defence together with a chart organising each item in light of the constituent element of the relevant crimes (Element Based Chart) as laid down in Annex III to the present decision;

²⁹ PTC II, Decision on the “Prosecution’s application requesting disclosure after a final resolution of the Government of Kenya’s admissibility challenge” and Establishing a Calendar for Disclosure Between the Parties, 20 April 2011, ICC-01/09-02/11-64, para.17.

- (ii) once all incriminating evidence has been disclosed and the DCC and the LoE have been filed, the Prosecutor shall file in the record of the case a consolidated version of the Element Based Chart with any amendments or additions as may be necessary in light of the filed DCC and LoE.³⁰

41. In light of the abovementioned, the Single Judge is of the view that the additional filing of provisional DCCs, as requested by the Defence, is not necessary.

- (ii) *The disclosure of the statements upon which the Prosecutor intends to rely at the confirmation hearing*

42. During the status conference, the Prosecutor stated that he does not intend to call live witnesses at the confirmation hearing. He further informed the Chamber that he intends to rely on the written statements of at least ten witnesses³¹ of two following kinds: (i) witnesses under Article 55(2) of the Statute and Rule 112 of the Rules for which there will be transcripts of interviews representing between 250 and 300 pages per interview and (ii) statements under Rule 111 of the Rules of witnesses who were not informed of their rights and whose written statements have on average between 20 and 35 pages.³²

43. In this regard, the Single Judge recalls that the Prosecutor is under an obligation, pursuant to Rule 76(1) of the Rules, to provide the Defence with the

³⁰ For instance, items that were disclosed during the *inter partes* exchanges and which will not be presented at the hearing and thus are not in the LoE filed along the DCC, will need to be struck out of the consolidated Element Based List.

³¹ ICC-02/11-01/11-T-3-ENG, pp.18-19

³² ICC-02/01-01/11-T-3-ENG, pp. 18-19.

names of his witnesses, regardless of whether he intends to call them to testify,³³ subject to any protective measures, and copies of their statements “sufficiently in advance to enable the adequate preparation of the defence.” Likewise, Rule 76(2) of the Rules requires the Prosecutor, subject to any protective measures, to “subsequently advise the defence of the names of any additional prosecution witnesses and provide copies of their statements.” The Single Judge further recalls that, pursuant to Rule 76(3) of the Rules, these statements “shall be made available in original and in a language which the accused fully understands and speaks.” Accordingly, the Prosecutor shall provide Mr Gbagbo with French³⁴ versions of the statements of the prosecution witnesses intended to be relied upon at the confirmation hearing pursuant to the general system of disclosure of incriminating evidence, including the deadlines as set out in paragraphs 39 and 52 of the present decision.

2. Disclosure by the Defence

44. Rule 121(6) of the Rules directs the Defence to file its List of Evidence, if any, no later than 15 days before the confirmation hearing.

45. In light of Regulation 33 of the Regulations, in order to comply with Rule 121 (3) of the Rules, the Defence shall submit its LoE no later than 1 June 2012.

46. Pursuant to Rule 78 of the Rules, the Defence shall also permit the Prosecutor to inspect any books, documents, photographs and other tangible

³³ See for instance, PTC I, Decision on the Final System of Disclosure and the Establishment of a Time Table, 15 May 2006, ICC-01/04-01/06-102, paras 93-106.

³⁴ ICC-02/11-01/11-T-1-ENG, page 3, lines 2-8.

objects in its possession or control which are intended for use for the purposes of the confirmation hearing.

47. Furthermore, pursuant to Rule 79 of the Rules, the Defence shall notify the Prosecutor sufficiently in advance of its intent to raise the existence of an alibi or to raise a ground for excluding criminal responsibility.

C. Procedure related to requests for redactions and other protective measures

1. Procedure related to requests for redactions

48. The Single Judge notes that the parties have agreed on a simplified procedure for the redaction of items falling within the ambit of Article 67(2) of the Statute or Rule 77 of the Rules in accordance with which redactions “can be implemented without seeking authorisation from the Chamber” and that “[o]nce disclosed, the Defence may seek further information from the Prosecution regarding the redactions.”³⁵ It is further submitted that if thereafter the Defence “disagrees with a redaction, it may seek a ruling from the Chamber to lift the redaction.”³⁶ With respect to incriminating evidence, both parties submit that the Prosecutor shall request authorisation from the Chamber on a case-by-case basis to redact information.³⁷ The Defence further envisaged the application of the

³⁵ Prosecutor Update, para.15. See also Defence Request, page 5.

³⁶ Prosecutor Update, para.15. See also Defence Request, page 5.

³⁷ Prosecutor Update, para.16. See also Defence Request, pp. 11-12, 14-15.

simplified regime to the incriminating evidence depending on how the process goes.³⁸

(i) *Redactions to items covered by Article 67(2) of the Statute and Rule 77 of the Rules*

49. The Single Judge notes that the simplified regime outlined above for items under Article 67(2) of the Statute or Rule 77 of the Rules has already been applied by Pre-Trial Chamber I in the case of the *Prosecutor v. Germain Katanga and Mathieu Ngudjolo* (“Katanga and Ngudjolo Case”).³⁹

50. In that case, Pre-Trial Chamber I held that:

“the system proposed by the Prosecution also allows for the proper protection of the rights of the Defence insofar as: (i) the Prosecution does not intend to rely on any of the abovementioned documents, (ii) the disclosure process is an *inter partes process*; and (iii) the system proposed by the Prosecution would permit the Defence to request from the Single Judge the lifting of redactions prior to the commencement of the confirmation hearing. [...] Under these circumstances, and in light of the number of documents involved and the time and resources that are necessary to justify redactions in application of the case law of the Appeals Chamber, the Single Judge considers appropriate to adopt the new practice proposed by the Prosecution. The Single Judge reaches this conclusion in light of the need to expedite the proceedings leading to the confirmation hearing [...] and in order to respect the rights of the suspects to the holding of the confirmation hearing within a reasonable period of time after their transfer to the seat of the Court in The Hague”⁴⁰

51. The Single Judge concurs with the approach of Pre-Trial Chamber I in the Katanga and Ngudjolo Case. Accordingly, the Prosecutor shall directly disclose

³⁸ Defence Request, pp.5-6 and 11.

³⁹ PTCL, Corrigendum to the Decision on Evidentiary Scope of the Confirmation Hearing, Preventive Relocation and Disclosure under Article 67(2) of the Statute and Rule 77 of the Rules, 25 April 2008, ICC-01/04-01/07-428-Corr.

⁴⁰ *Ibid.*, paras 143-144.

to the Defence, with the redactions that the Prosecutor considers necessary and without prior authorisation from the Single Judge, items covered by Article 67(2) of the Statute or Rule 77 of the Rules and on which he does not intend to rely for the purposes of the confirmation hearing. In case of disagreement the Defence shall first seek, as soon as practicable, further explanations and the lifting of the redaction from the Prosecutor. If the disagreement persists, the Defence may seek a ruling from the Single Judge, no later than 5 days after the Prosecutor's response and, in any event, no later than 21 days before the date of the confirmation hearing.

(ii) *Redactions to Incriminating evidence*

52. In order to ensure that the disclosure process takes place under satisfactory conditions and within the statutory time frame, it is of the utmost importance that requests pursuant to Rule 81 of the Rules are made as soon as practicable. As stated in paragraph 39 of the present decision, the Single Judge is of the view that a distinction should be made depending on the date on which a piece of evidence has been collected by the Prosecutor. In particular, any request to redact incriminating evidence on which he intends to rely on at the confirmation hearing and which was collected prior to 25 October 2011 shall be submitted to the Single Judge no later than 10 February 2012. Any request for redactions to incriminating evidence collected between 25 October 2011 and 15 February 2012 shall be submitted to the Chamber no later than 9 March 2012. Finally, any additional requests for redaction of evidence collected after 15 February 2012 shall be submitted to the Single Judge no later than 60 days prior to the date of the confirmation hearing. The Single Judge underlines that the Prosecutor should not wait for the expiration of these deadlines but should submit his requests for authorization of redactions as soon as practicable after he

has collected the evidence concerned in order to contribute to the expeditiousness of the proceedings.

53. The Defence has requested access to the reasons underlying the Prosecutor's requests for redactions to the Chamber.⁴¹

54. The Single Judge is of the view that disclosing to the Defence all the factual motivation for the Prosecutor's requests for redactions may defeat the purpose of these requests. In this respect, the Single Judge recalls that Rule 81(2) of the Rules, for instance, provides that the Prosecutor's requests to redact information when its disclosure may prejudice further or ongoing investigations shall be heard on an *ex parte* basis.

55. The Single Judge is nonetheless of the view that the Prosecutor should inform the Defence of the existence of such requests and of the underlying legal and factual basis of his requests for redactions to the largest extent possible. However, with respect to the request itself and its annexes, they shall be filed as *ex parte* and shall include a chart containing all the relevant legal and factual information necessary to allow a determination by the Single Judge in compliance with the Appeals Chamber's guidelines⁴² (as laid down in Annex 4 to the Prosecutor Update).

56. In addition, the Single Judge recalls that, in accordance with the Appeals Chamber judgment of 14 December 2006 in the case of *The Prosecutor v. Thomas Lubanga Dyilo*, the *ex parte* character of the proceedings itself does not reduce the need for a properly reasoned decision but makes the provision of proper

⁴¹ Defence Request, page 11.

⁴² ICC-01/04-01/06-568; ICC-01/04-01/06-773; ICC-01/04-01/07-475; ICC-01/04-01/07-521. See also Pre-Trial Chamber I, ICC-01/04-01/07-568.

reasoning more necessary because the other party cannot rely on the context in which the said decision was made.⁴³ The Appeals Chamber further held that “[i]f the provision of the full reasoning would have led to the identification of the witness in question or would otherwise have disclosed information that needed to be protected, the Pre-Trial Chamber could have considered whether the full reasoning should be provided in a decision marked confidential and *ex parte*, Prosecutor only, with a separate redacted version made available to the Defence.”⁴⁴ Accordingly, the Defence will be provided with all relevant information on the basis of which the Single Judge reached a decision on the Prosecutor’s requests for redactions, to the extent that such information does not lead to the disclosure of information that must be protected.

57. The Single Judge recalls, with respect to any material which does not need to be redacted prior to disclosure, that the Prosecutor must disclose this material to the Defence as soon as practicable and in accordance with the deadlines set out in paragraph 39 above.

2. Procedure related to other protective measures

58. With respect to *ex parte* applications for protective measures other than redactions to be put in place for some of the witnesses, the Single Judge is of the view that these *ex parte* applications, if any, shall be made as expeditiously as possible and before 5 March 2012 bearing in mind the date set for the confirmation hearing.

⁴³ Appeals Chamber, Judgment on the appeal of Mr. Thomas Lubanga Dyilo against the decision of Pre-Trial Chamber I entitled “First Decision on the Prosecution Requests and Amended Requests for Redactions under Rule 81”, 14 December 2006, ICC-01/04-01/09-773 OA5, para.22

⁴⁴ *Ibid.*

59. Finally, the Single Judge notes that the parties have submitted that they are still discussing the protocol regulating the use of confidential information during investigations and contact with witnesses of the other party.⁴⁵ According to the Defence, the Prosecutor intended to submit to the Defence a draft proposal of such protocol.⁴⁶ In light of the date set for the confirmation hearing and the commencement of the disclosure process, the Single Judge is of the view that this issue should be dealt with as soon as practicable. Accordingly, the parties shall conclude their discussions and file a joint proposal for a protocol on the handling of confidential information in the course of their investigations and contact with witnesses of the other party or to file, in the absence of any agreement, observations on that matter at the latest on Friday, 3 February 2012.

D. The registration procedure

60. Rules 15 and 121(10) of the Rules entrust the Registry with the responsibility of creating and maintaining a full and accurate record of all proceedings before the Chamber, including the evidence exchanged between the parties pursuant to Rule 121 of the Rules. In compliance with regulations 15 to 19, 25 to 28 and 53(3) of the RoR, the Registry further manages the access to and storage of the documents of the proceedings, including the registration of the evidence exchanged between the parties.

61. Accordingly, the disclosure process as described above shall be facilitated through the Registry.

⁴⁵ Prosecutor Update, para.5. See also Defence Request, page 5.

⁴⁶ Defence Request, page 6.

62. The Single Judge would like to emphasise that, to enable the Registry to discharge its duty in an efficient manner, it is of paramount importance that the parties provide the Registry with all relevant information. In this regard, the parties shall at all times comply with the e-Court Protocol (see Annex 1) and shall also submit to the Registry, in compliance with Regulation 53(3) of the RoR, the original form of evidence as well as a corresponding electronic copy of it. If the evidence is a tangible object, such evidence shall be submitted in the form of an electronic photograph.

FOR THESE REASONS THE SINGLE JUDGE HEREBY

DECIDES that disclosure for the purpose of the confirmation hearing in the present Case shall be governed by the system as set out in Section II) A of the present decision and shall be facilitated through the Registry;

ORDERS the parties to submit any evidence to the Registry with the appropriate metadata in accordance with the annexed e-Court Protocol (Annex I);

ORDERS the parties to file with the Registry:

- (i) the originals of all evidence for which no redactions pursuant to Rule 81 of the Rules are needed, as public or as confidential, if the parties had requested that it remains confidential;

- (ii) the originals of all evidence for which redactions pursuant to Rule 81 of the Rules are necessary, as *ex parte*;
- (iii) the authorised redacted version of the evidence, as public or as confidential, if the parties had requested that it remains confidential; and
- (iv) an electronic copy of the original and of the authorised redacted version of the evidence, if any, or, in case of a tangible object, its electronic photograph including the details required under the e-Court Protocol, with the appropriate level of confidentiality as set out above;

ORDERS that, when disclosing evidence under Article 67(2) of the Statute, the Prosecutor shall file in the record of the case a disclosure note, signed by both parties, and containing a list of the material disclosed which includes in relation to each item:

- (i) the reference number (document ID/ERN);
- (ii) the date of the item as well as the date of its disclosure;
- (iii) the type of item;
- (iv) the title of the item;
- (v) the number of pages of the item;
- (vi) a concise summary of the content of each item; and

- (vii) an explanation of the relevance of such item as potentially exculpatory.

FURTHER ORDERS the Prosecutor to highlight in each of the items disclosed the relevant portions that he believes fall within the ambit of Article 67(2) of the Statute;

ORDERS the Prosecutor to permit, pursuant to Rule 77 of the Rules, the Defence to inspect, starting as soon as practicable, at a location, time and in a manner agreed by the parties, any books, documents, photographs and other tangible objects in its possession or control which are material to the preparation of the defence, or intended for use by the Prosecutor as evidence for the purposes of the confirmation hearing, or were obtained from or belonged to the person;

ORDERS the Prosecutor to file in the record of the case pre-inspection reports containing a list of the items submitted to the Defence and their reference numbers; and, in relation to those items which are material to the preparation of the defence, to further include in the pre- inspection reports:

- (i) the date of each item as well as the date of its inspection;
- (ii) the type of each item;
- (iii) the title of each item;
- (iv) the number of pages of each item;
- (v) a concise summary of the content of such items; and

- (vi) an explanation of the relevance of such items for the preparation of the defence;

FURTHER ORDERS the Prosecutor to highlight in each of the items disclosed the relevant portions that he believes fall within the ambit of Rule 77 of the Rules;

ORDERS the Prosecutor to provide the Defence, at its request during inspection, with electronic copies or electronic photographs, in the case of tangible objects, of all evidence or material subject to inspection;

ORDERS the Prosecutor, following any act of inspection, to file in the record of the case an inspection report signed by both parties and including:

- (i) a list of the items inspected and their reference numbers; and
- (ii) a brief account of how and when the act of inspection took place and whether and when the Defence received the copies which it requested during the inspection;

ORDERS the Prosecutor to inform the Chamber as soon as practicable of the existence of documents subject to Articles 54(3)(e), 72 or 93(8) of the Statute and containing information falling within Article 67(2) of the Statute or Rule 77 of the Rules, through a report which shall contain information as to the actions taken with the source provider;

ORDERS the Prosecutor to disclose to the Defence:

- (i) as soon as practicable and no later than 3 February 2012, any evidence on which he intends to rely at the confirmation hearing which was collected before 25 October 2011 and for which no protective measures are required;
- (ii) as soon as practicable and no later than 10 February 2012, any evidence on which he intends to rely at the confirmation hearing which was collected between 25 October 2011 and the filing of the present decision and for which no protective measures are required;
- (iii) as soon as practicable and no later than 16 May 2012, any evidence on which he intends to rely at the confirmation hearing which was collected after the filing of the present decision, subject to any further decision of the Chamber setting more specific dead-lines;

FURTHER ORDERS the Prosecutor to submit to the Chamber:

- (i) as soon as practicable and no later than 10 February 2012, any request for redactions of evidence on which he intends to rely at the confirmation hearing and which was collected before 25 October 2011;
- (ii) as soon as practicable and no later than 9 March 2012, any request for redactions of evidence on which he intends to rely at

the confirmation hearing and which was collected between 25 October 2011 and 15 February 2012;

- (iii) as soon as practicable and no later than 19 April 2012, any additional requests for redactions, subject to any further decision of the Chamber setting more specific deadlines;

ORDERS the Prosecutor to disclose to the Defence any evidence for which redactions will be requested as soon as practicable and no later than 5 days after the Chamber's ruling on the Prosecutor's requests for redactions;

ORDERS the Prosecutor to make *ex parte* applications for protective measures other than redactions, if any, as expeditiously as possible and no later than 5 March 2012;

ORDERS the Prosecutor, pursuant to Rule 76 of the Rules, to disclose to the Defence, as soon as practicable and within the abovementioned relevant deadlines, in original and in a language Mr Laurent Gbagbo fully understands and speaks, the names and the statements of the witnesses – with authorized redactions pursuant to Rule 81 of the Rules, if any – on which it intends to rely at the confirmation hearing, regardless of whether the Prosecutor intends to call them to testify;

ORDERS the Prosecutor to disclose each batch of incriminating evidence with an Element Based Chart as set out in Annex III to the present decision and, once all incriminating evidence has been disclosed and the DCC and the LoE have been filed in the record of the case, to file in the record of the case a consolidated version of this list with any amendments deemed necessary in light of the filed DCC and LoE;

ORDERS the Prosecutor to file in the record of the Case, by 16 May 2012, his DCC and the LoE, in a language which Mr Gbagbo fully understands and speaks. In so doing and as set out in Annex II, the Prosecutor shall further organise the LoE in such manner that:

- (i) each item of evidence is linked to the factual statement it is intended to prove;
- (ii) for each item of evidence, its document ID/ERN; title; document type and relevant excerpts shall be included; and
- (iii) each factual statement is linked to a specific element of crime, a mode of liability, or both;

ORDERS the Defence:

- (i) pursuant to Rule 78 of the Rules, to permit, as soon as practicable and no later than 1 June 2012, the Prosecutor to inspect any books, documents, photographs and other tangible object in its possession or control which are intended for use for the purposes of the confirmation hearing at a location and time and in a manner agreed by the parties;

- (ii) to provide to the Prosecutor, at his request during inspection, electronic copies or electronic photographs, in the case of tangible objects, of all evidence or material subject to inspection;

ORDERS the Defence in the event it intends to raise the existence of an alibi or to raise a ground for excluding criminal responsibility, pursuant to Rule 79 of the Rules, to notify the Prosecutor no later than 28 May 2012;

ORDERS the Defence:

- (i) to submit no later than 10 May 2012 any request under Rule 81 of the Rules for redactions to evidence collected by the Defence;
- (ii) to make *ex parte* applications for protective measures other than redactions as expeditiously as possible but no later than 5 March 2012; and
- (iii) to submit to the Prosecutor any request for the lifting of redactions to materials covered by Article 67(2) of the Statute or Rule 77 of the Rules, if any, as soon as practicable following the disclosure of the materials;
- (iv) to submit its requests, if any, for a ruling of the Single Judge on any disagreement with the Prosecutor on the lifting of redactions applied to materials covered by Article 67(2) of the Statute or Rule 77 of the Rules no later than 5 days after the Prosecutor's response

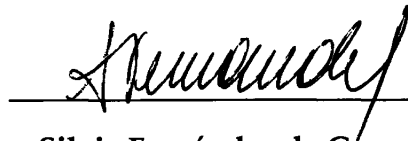
thereon and in any case, no later than 21 days before the date of the confirmation hearing;

ORDERS the Defence to file in the record of the Case no later than 1 June 2012 the Defence List of Evidence, if any, to be presented at the confirmation hearing;

DECIDES to reclassify the Defence Request (ICC-02/11-01/11-27-Conf) as public and to maintain the current level of confidentiality of annexes thereto; and

ORDERS the parties to file a joint proposal for a protocol on the handling of confidential information in the course of their investigations and contact with witnesses of the other party or to file, in the absence of any agreement, observations on that matter at the latest on Friday, 3 February 2012;

Done in both English and French, the English version being authoritative.



Judge Silvia Fernández de Gurmendi

Single Judge

Dated this Tuesday 24 January 2012

At The Hague, The Netherlands

ANNEX I

Unified Technical protocol (“E-court Protocol”) for the provision of evidence, witness and victims information in electronic form

I. Introduction

1. The International Criminal Court is using an electronic system to support its daily judicial proceedings pursuant to regulation 26, paragraph 1 of the Regulations of the Court (“the Regulations”). The Registry is responsible for the implementation of this electronic system, taking into account the specific requirements of the judicial activity of the Court, including the need to ensure authenticity, accuracy, confidentiality and preservation of the record of proceedings (see regulation 26, paragraph 2, of the Regulations). Pursuant to regulation 26, paragraphs 3 and 4, of the Regulations, documents and evidence other than live testimony shall be presented, whenever possible, in electronic form.
2. This Protocol is established pursuant to regulation 26, paragraph 1, and is essential for Registry’s implementation of the system described in this provision. It is designed to ensure that all the necessary information is available electronically during the proceedings to the Court. To this end, this Protocol defines the standards according to which the participants should prepare and provide evidence, potential evidence and material in electronic form with the Court. Furthermore, this Protocol defines metadata which should accompany the materials submitted. These standards are designed to minimise the document management and technology costs to the participants and the Court and to allow for the efficient management of proceedings.
3. The Registry will provide an “in-court” presentation solution for viewing evidence and material.

II. Provision of (potential) evidence, and witness and victims information in electronic form

A. Potential evidence

4. In order to ensure that potential evidence, evidence and material that a participant intends to submit to a Chamber in hearing can be processed by the Court’s electronic system, it must comply with the system’s standards. Therefore, prior to the hearing, the participant will have to format the potential evidence, evidence and material and provide metadata for it in accordance with the standards set out in section III D of this Protocol.
5. Once the potential evidence, evidence and material and the metadata have been formatted and prepared, the participant can provide them in electronic form to the Registry. Material may also be provided to the Registry in its original electronic form if the file formats are supported by Ringtail as specified in Appendix C.
6. Upon the receipt of the potential evidence, evidence and material and the related metadata in electronic form, the Registry will upload all data into the electronic system.
7. Once the data has been uploaded into the system, the participant will be requested to control the quality of the data uploaded. If errors are found in the data, the responsible

participant shall re-issue the entire record that has been amended including the table references. For images, only the single TIFF (Text Image File Format) file or the affected page(s) shall be re-issued in the appropriate directory/level structure named herein. Any updates shall be accompanied with a letter outlining the Document ID(s) and the information that has been changed.

8. If, prior to the hearing, the participant after the provision of the first lot of potential evidence, wants to provide additional items, the standards outlined in this Protocol shall be followed.

B. Witness and Victim Information

9. Should a participant intend to call a witness in a hearing before a Chamber, the participant shall prepare a Witness Information List in accordance with the standards set out below in section III E. and provide the list to the Registry. The same will apply when the appearance of a victim is scheduled.
10. Upon receipt of the Witness/Victim Information, the Registry will upload the data into the electronic system.
11. Once the data has been uploaded into the system, the participant will be requested to control the quality of the data uploaded.
12. If, prior to the hearing, the participant wishes to amend the Witness/Victim Information, the standards outlined in this Protocol shall be followed.

III. Standard for the provision of evidence and material in electronic form

13. Participants shall provide to the Registry potential evidence, evidence or material in electronic form either on one or more CD ROMS, DVDs or using the Court's internal electronic infrastructure. The format, imaging standards and numbering regime shall comply with the requirements set out in sections A. to C., below.
14. Together with the evidence and material in electronic form, metadata information relating to evidence and material shall be provided in electronic form, as set out in section D, below.

A. Format requirements

- 15.1 Material collected in physical form (documents or tangible objects) shall be converted into a 'Standard Image Format' by scanning or other digitisation:
 - Single page TIFF for all potential evidence, evidence and material, and WMV (Windows Media Video), WMA (Windows Media Audio) for video and audio material.
 - An OCR (Optical Character Recognition) text-file for potential evidence, evidence and material containing text including for any translation thereof.
- 15.2 Material collected in electronic form may be provided in its original electronic format, the following shall apply:

- The collecting party or participant shall be responsible for the preservation of the original electronic items and, if applicable, the original host storage electronic media.
- In circumstances when redaction is required, the original electronic items shall be converted to the standard image format as specified in paragraph 15.1 and in accordance with paragraph 21.2.
- The metadata set out in the table in section D shall be provided.
- In circumstances when the original electronic file is not in a format that may be searched, the provider shall endeavour to ensure that original electronic files are made searchable, by the provision of OCR Text.
- In circumstances where a party or participant intends to rely upon the material for the purpose of court room proceedings, the party or participant shall convert the material into the standard image format as specified in paragraph 15.1 and in accordance with paragraph 21.2.

16. The following requirements shall be met:

Data File Format

CSV (Comma Separated Values)

including double quotes around the record and a header record. There shall be 1 document record per row in the table. Zipped files are acceptable or as agreed between the participants, or

XLS (Microsoft Excel Worksheet)

Witness Information Excel format (see witness information under Part D) and Evidence List format respectively (see evidence and material under Part E) is to be provided, or

MDB (Microsoft Office Access Application)

database file compatible with a Ringtail Legal database (export.mdb)

Media

- CD ROM - 650/700Mb,
- DVD or,
- Encrypted External Hard Drives or,

Disk or folder content

2 Files for formats (i) and (ii) above – One main table and one image table (referencing each image or electronic item on the disk). A header record shall be included for each file. Header record shall contain the metadata field names.

Disk or folder name

If physical media (CD/DVD) then specify volume name as

Participant-Situation-Case-Date-Sequential Number

B. Imaging and Data standards

17. When hard-copy documents are larger than A3 size they shall be provided to the Registry in hardcopy and recorded on the database as such by (i) imaging a page that states that the originals reside at the Registry vault due to its size or (ii) by submitting a photograph of the potential evidence or material or artifact (in JPEG compression within color tiff files) can be submitted as a representation of the original.
18. Originals (under A3 but larger than A4) can be reduced to A4 size and then imaged at the reduced size before submission to the Registry. Originals of these reduced documents shall be made available if required for viewing in the hearing or by Chambers or by the Participants.
19. Image and Data file formats and exchange shall be set out as follows:
 - a. **Media**

The files shall reside in the same media and location specified in paragraph 16, above, under a folder named "images".
 - b. **File Directory Structure**

Standard Images and original electronic items must reside in directories and sub directories. The sub directory structure must reflect the levels in the numbering regime.
 - c. **Content files**

Standard images: single page tiff files (ie a four-page document will have four distinct images);

Original Electronic items: the files in their original format. Additional extensions may be identified and categorised within the types listed in annex C. These additional file types must have an associated free tool for viewing the file in its native format, or the file type should be supported by the Court Electronic Document Management System viewer.
 - d. **Resolution of TIFF Image (Standard Image Format)**

Black and White, Grayscale or Color images – 300 dpi (or above) TIFF subtype CCITT group 4 compressed, 1 bit (bi-tonal). For practical purposes, it is recommended that the physical file size of any image should not exceed 700 Kilobytes. It should be noted that 200 K is the average target size of all images.
 - e. **Suffix page numbering**

In the event that additional pages are required to be inserted after bar-coding (or labeling) and imaging, the suffix pages convention will be applied to images as per paragraph 22.
 - f. **Video file sizes**

For practical purposes and until such time as a feasible alternative can be found, it is recommended that the physical file size of any video material to be submitted should not exceed 700 Megabytes. Whilst

the participants may continue to submit one large video file, those video materials which are greater than 700Mb should also be split accordingly and submitted as separate files or “pages” within the one Document

C. Numbering regime

20. The participant providing evidence or material shall number each piece of potential evidence, evidence or material according to the following numbering regime. This number will be used as the unique document identification ('Doc ID') for all potential evidence, evidence and material and will be used to reference them at all times during the proceedings. For material provided in standard image format, the Doc ID will appear readable on every page and image. The numbering regime will also be used to name the image files. For material provided in original electronic format, the 'Doc ID' will be the document number of the item, reflected in the filenames of the items provided.

21.1 The base numbering regime for the 'Doc ID' has four levels, SSS-PPP-BBBB-DDDD where:

SSS: is the prefix that acts as an identifier for the situation the evidence or material has been collected for. Padded characters will be used (i.e. must be 3 alpha/numeric characters) (e.g. AUS);

PPP: is the participant identifier. This field represents the participant that electronically registers the item of potential evidence, which is the participant that collected the item from the source¹. Padded characters will be used (i.e. must be 3 Characters – may be alpha/numeric digit) in accordance with the prefixes in Appendix A attached (e.g. OTP). The Registry shall ensure the uniqueness of the participant identifiers;

BBBB: is the potential evidence, evidence or material group/folder/batch number. Padded with zeros, maximum value of 9999 (eg. 0120); and

DDDD: For material collected in physical form, DDDD is the unique “page” identifier within the document. Padded with zeros, maximum value of 9999 (eg,0087). The first page number of a document is also the 'Doc ID'. (See appendix D below). For material provided in original electronic form, DDDD is the item number which increments by one for each item, regardless of the number of pages in an item. In contrast to documents provided in standard image format, documents comprising more than one page that are provided in its original electronic format will therefore not bear a range of numbers.

21.2 Conversion of Original Electronic items to Standard Image Format

1. _____
1. ¹ This is subject to the technical feasibility. Currently, the materials already registered by one party/participant are re-registered if submitted by another party. If re-registered a participant identifier of the party/participant re-registering the item shall be indicated.

Where an original electronic item must be converted to the standard image format, an additional four digit suffix will be used for each page. The suffix shall be padded with zeros, to a maximum value of 9999.

22. Where pages have been inserted due to human error or in exceptional circumstances, the following convention will be used: Insert a fifth level where a suffix (two numeric characters, padded zero, preceded with an underscore). For example:

SSS-PPP-BBBB-0001

SSS-PPP-BBBB-0001_01

SSS-PPP-BBBB-0002

Meaning that a page SSS-PPP-BBBB-0001_01 has been inserted after SSS-PPP-BBBB- 0001 yet before SSS-PPP-BBBB-0002.

Specific measures for translated documents.

23. Each translation shall be recorded as a “translation” in the field “document type”, in the following manner: for any language required, the field takes the value “Translation”, a blank space, a hyphen, a blank space, and then the 3 characters ISO code of the language in which the original document has been translated. Example:

Translation – ENG

Translation – FRA

Specific measures for redacted documents

24. Redacted documents shall be provided as full documents with all the metadata anew. The Doc ID of a redacted version should carry a suffix RXX (XX reflecting the version number). For example: 1st redacted version of a document: Doc ID - DRC-OTP-0004-0001-R01.

The redaction suffix should be appended to the Doc ID number on each page of the physical file. For example: DRC-OTP-0004-0001-R01 (page 1), DRC-OTP-0004-0002-R01 (page 2), etc.

The field Host Document Number (see below table at section D) of any redacted version should indicate the Doc ID of the original unredacted version (for example: DRC-OTP-0004-0001).

25. For a translation of a redacted version, the Host Document Number should be that of the redacted version.

For example: French translation of the redacted version referred to in paragraph 24: Doc ID of the translation will have its own Doc ID and the Host Document Number will be: Doc ID - DRC-OTP-0004-0001-R01

D. Provision of metadata information relating to evidence and material in electronic form

26. The following two tables (in paragraphs 27 and 28) list the format of the metadata that is transmitted for potential evidence, evidence and material provided in electronic format.
27. Table 1 is the table of potential evidence, evidence and material, containing the metadata for these items. Items provided in their original electronic format are addressed either as email or as e-files (all other electronic files).

Table 1 (potential) evidence and material

Field Name	Data Type	Explanation	Example
Document ID	Text	The unique identifier for each original document (record) in the database as specified in paragraphs 20 and 21.	CAR-OTP-0001-0001 or CAR-OTP-0001-0002-0001
Date Filed	Date	The date the Participant files the data table with the Registry in the date format DD-MMM-YYYY	20-Aug-2005
Main Date	Date	The date of the item as it appears on the document in the format DD-MMM-YYYY. The date to be entered is the one which indicates when the document came into existence, or was signed, putting it into effect. If the item only has a partial date and a clear year, then the first day of that partial date shall be entered and the	21-Mar-1997 Leave blank 04-Aug-2004

		<p>field "estimate date" tagged YES</p> <p>Where a document has no determinable date the document will be recorded as undated.</p> <p>Where a document has more than 1 date appearing on it the date which is earliest in time shall be entered and the field "estimate date" tagged YES</p> <p>Date ranges cannot be used due to this field being a true date field and only the earliest date in time shall be entered and estimate date field tagged YES</p> <p>If an agreement has an original date as well as a subsequent later date as a result of alterations being made to the document, then the later date is taken as the document date and estimated date is left blank.</p> <p>If a newspaper clipping has the date/reference handwritten on to the document,</p>	<p>22-Sep-2001</p>
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		<p>then the document is dated according to the handwritten notation and the field "estimated date" is tagged "yes".</p> <p>e-Files: Taken from the date last modified metadata property from the electronic file.</p> <p>e-Mail: Taken from the date sent metadata of the email message.</p>	
Estimated Date	Boolean	<p>No = If the exact full date is on the document (for example 04-MAR-1963).</p> <p>Yes = Where we cannot be certain of the actual date. For example if there is a partial date (e.g. August 1979), the date is stamped on, the date has been amended by hand or the only visible date is on the fax track.</p>	No or Yes
Type	Text	<p>A simple classification of the item, such as a letter, map, artifact.</p> <p>Attachment C contains a list of suggested document types.</p>	Letter

		<p><u>e-Files and e-Mail:</u> Determined by the file extension of the electronic file in accordance with Appendix C.</p>	
Confidentiality Level	Pick List	<p>A security classification of the item of potential evidence, evidence and material. The level "public" is assigned to items which are public by nature. The level "confidential" is assigned to items which are confidential by nature.</p>	Public
Title	Text	<p>When a piece of (potential) evidence or material has a title, the complete title shall be entered exactly as indicated on the item. If the item has no title this field shall be left blank.</p> <p>e-Files: Taken from the original file name of the electronic file.</p> <p>e-Mail: Taken from the subject line in the message.</p>	Human Rights Report "Covered in Blood"
Author	Pick List	Person or persons who authored the document. To be completed using	SMITH, Brian

		<p>information on the face of the document.</p> <p>The LAST NAME is separated by comma from the first name.</p> <p>Semi-colon must separate multiple entries.</p> <p>Other ways of addressing multiple entries can be agreed between the parties.</p> <p>e-Mail: Taken from the 'From' Field in the message.</p>	
Author Organisation	Pick List	<p>Organisation from which the document emanated. To be completed from information on the face of the document.</p> <p>Semi-colon must separate multiple entries.</p> <p>Other ways of addressing multiple entries can be agreed between the parties.</p>	ACME
Recipient	Pick List	<p>Person or persons to whom the document was addressed. To be completed using information on the face of the document.</p> <p>The LAST NAME is separated by comma from the first name.</p> <p>Semi-colon must</p>	SMITH, Brian

		<p>separate multiple entries.</p> <p>Other ways of addressing multiple entries can be agreed between the parties.</p> <p>e-Mail: Taken from the 'To' field in the email message.</p>	
Recipient Organisation	Pick List	<p>Organisation receiving the document. To be completed from information on the face of the document.</p> <p>Semi-colon must separate multiple entries.</p> <p>Other ways of addressing multiple entries can be agreed between the parties.</p>	ACME
Copy Recipient	Pick List	<p>e-Mail: Taken from the 'CC' Field in the message.</p>	
Blind Copy Recipient	Pick List	<p>e-Mail: Taken from the 'BCC' Field in the message.</p>	
Parties to an agreement	Text	<p>Identifies parties to an agreement or other legal document</p>	ACME
Language of the item	Pick List	<p>The language of the item is to be recorded in this field in accordance with ISO language code 639-3, indicating both the code and the full English description of the</p>	ENG - English

		<p>language in the ISO definition tables, as follows: ISO code, space, hyphen, space, full description: example: ENG – English FRA - French.</p> <p>Where languages are not foreseen in the ISO tables, the ICC Registry language services (STIC) will decide on the appropriate code to be used.</p> <p>This field shall be multi-value</p>	
Translation status	Pick List	<p>When the document is a translation, choose one of the following options to indicate by whom the translation has been done: ICC – Registry services OTP – OTP services EXT– External services</p> <p>And whether it is a draft or has been revised.</p> <p>List to be chosen from: ICC - draft ICC - revised OTP – draft OTP – revised EXT – draft EXT - revised</p>	ICC – draft
Redaction version	Text	This field records the number of the	R01

		redaction version. It is reflected by "R" and the respective two digit number, padded with zero, starting at 01.	
Redaction Approval date	Date	This field records the date (DD-MMM-YYYY) that redaction was approved by the Chamber.	30-May-2008
Host Document Number	Text	<p>Contains Doc ID of the host document to which an attachment is attached. There will never be multiple entries in this field, as each attachment should only ever have one host document.</p> <p>A host document and any attachments should be listed and numbered separately as per the rules listed in Appendix B.</p> <p>e-Files: If the e-file was extracted from a container file, the Doc ID of the container file should appear in this field. If the e-file was attached to an email message, the Doc ID of the email message should appear in this field.</p>	CAR-OTP-0001-0001 or CAR-OTP-0001-0002-0001

		<p>e-Mail: If the e-mail message was attached to another email message, the Doc ID of that email message should be in this field.</p>	
Digital Signature	Text	<p>e-Files and e-Mail only The unique cryptographic code that is generated for an electronic item that may be used to verify authenticity of evidence, if authenticity is challenged. The cryptographic hashing standard to be adopted is MD5.</p>	2355F27DC45E67894795898B552BBFCB
Source Media Information	Text	<p>e-Files and email only Contains a reference to the original physical media container from which the electronic file or email was extracted. This field may contain the Doc ID of the original physical electronic media item.</p>	CAR-OTP-0001-0001
Participant	Pick List	<p>This field records the participant who is providing the evidence or material to the Registry as per Participant codes</p>	OTP

		in Appendix A.	
Chain of Custody	Text and Number	<p>This field should list all entities/persons who had custody of the item, in chronological order.</p> <p>The following format is to be respected: YYYY-MM-DD from XXX to XXX</p> <p>Semi-colon must separate multiple entries.</p>	03-Dec-2004 From witness to OTP investigator
Date Source Restriction Lifted	Date	<p>Date on which the respective correspondence was received, giving authorisation lifting disclosure restrictions.</p> <p>This shall be a multi-value field.</p>	03-Dec-2007
Source Identity	Text	<p>In principle, the name of the person providing the document shall be reflected. In case that person is protected, a special reference number given to the person shall be stated as authorized by the Chamber.</p> <p>The LAST NAME is separated by comma from the first name.</p>	DAVIS, Jonathan

		<p>When the person is a victim, the victim code must be entered (i.e. a_001_08).</p> <p>The codes used for the protected individuals shall be the id number as described in Section E below.</p>	
Search Limitations	Pick List	<p>This field records the degree to which the text content of the electronic version of the evidence can be searched:</p> <p>Combined Data (Meaning: typed data and handwritten text or images)</p> <p>Handwritten Text</p> <p>No text</p> <p>Typed - no Latinic script</p> <p>Typed data - Partly Searchable</p> <p>Typed data - Searchable</p> <p>Typed data - Unsearchable</p>	Typed data - Searchable
Disclosures	Pick List	<p>This field records information about disclosures and any other distribution of potential evidence made in the context of a case.</p> <p>The pick list values are generally comprised of the following parts: [Phase] [Category of disclosure]</p>	<p>Pre confirmation INCR package 26 07-Nov-2006</p> <p>Pre confirmation INCR OTP package 26</p>

	<p>{Defendant Code}[package or tranche number] [Date of the disclosure] In the situation of joined proceedings disclosure to each counsel may take place on two different dates. This pick list can record such variations. It also allows description of other distributions of documents, such as to the OPCV or any re-issue of corrected data etc.</p> <p>The possible values for the parts of the field include: [Phase] : Pre trial; Trial; Appeal; Revision [Category of Disclosure] : INCR; PEXO; Rule 77; {Defendant Code} : This may be used if there is more than one defendant and disclosure is made to each on different dates. [Batch number] : This is a sequential number maintained by the party disclosing the sequential count of disclosures made in that category.</p>	07-Nov-2006
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		[Date of the disclosure]: dd-mmm-yyyy: The date of the actual disclosure recorded at the time of transfer or after the transfer takes place.	
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Note: All text fields shall be in ISO 8859 Latin 1 (West European)

28. Table 2 below lists the filename for every page of every imaged piece of potential evidence or material. In order to derive the correct order of pages to a piece of potential evidence or material, the database query shall select the images matching the Item ID, ordered by the path.

Table 2 Image Table

Field Name	Data Type	Explanation	Example
Item ID	Text	Document ID	SSS-PPP-BBBB-DDDD SSS-PPP-BBBB-DDDD-nnnn
*Path	Text	Full relative path and filename of the image file or electronic item. For each page of each document provided in Standard Image Format there will be a single file. The file name format is : SSS-PPP-BBBB-DDDD.tif or SSS-PPP-BBBB-DDDD_01.tif (if it is an inserted page) For each item provided in original electronic format, the filename should be : SSS-PPP-BBBB-DDDD.(ext) Where (ext) is the extension of the original file. The format of the file path should be a standard windows compatible folder structure.	SSS-PPP-BBBB-DDDD.tif SSS\PPP\BBBB\SSS-PPP-BBBB-DDDD.tif or SSS\PPP\BBBB\SSS-PPP-BBBB-DDDD.xxx or SSS\PPP\BBBB\SSS-PPP-BBBB-DDDD-nnnn.tif

*Pages	Text	Number of pages per document (maximum 4 characters)	0003
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E. Witness and Victim information

29. The following table lists the format of metadata for the witnesses and victims.
30. "Witness" for the purpose of this protocol means: person who has provided statements on which the Prosecution or the Defence intends to rely at the hearing. "Victim" for the purpose of this protocol means a person authorised to participate in the proceedings or appearing before the Chamber in accordance with rule 93 of the Rules of Procedure and Evidence.

Table of Witness and Victim Information

Field Name	Data Type	Explanation	Example
Person ID	Text	to be matched with DOC ID default field in Ringtail Number given to a witness or victim. The ID number is structured as follows: SSS is the situation code PPP is the code for the participant introducing the witness P remains P for any witness ID number and shows that this is a person XXXX is the witness number being a consecutive number assigned by the participant	DRC-OTP-P-0001 or DRC-D01-P-0001
Title	Text	This is the title of a witness /victim such as Dr., Mr., Major, General etc.	Major
Name	Text	The LAST NAME is separated by comma from the first name.	SMITH, Robert
Other name(s) and/or nickname(s)	Text	Nickname or commonly used name of witness/victim if it differs from their actual name. This is a one to many field.	Bob

		Semi-colon must separate multiple entries.	
Gender	Pick List	Gender of the witness/victim. Permissible values Male, Female or Unknown	Male
Birth Date	Date Field	DD-MMM-YYYY	04-Aug-1963
Estimated Birth Date	Boolean	This field records whether the age of the person is an estimate only.	No
Status	Pick List	This field records the basis on which a person is called before the proceedings: Fact Witness Expert Witness Victim Fact Witness & Victim	Victim
Victim code	Text	If the person called before the proceedings is a Victim enter the victim code	a_0011_08
Participant Introducing Witness/Victim	Pick List	Name of the participant whose list this witness or victim appears on:- as per Participant codes in Appendix A	OTP
Witness Statement Doc ID	Text	If the witness statement has been attributed a document ID in accordance with section D above, please indicate the document ID. All prior witness statements should be recorded in this field, including the document ID. This is a one to many field. Semi-colon must separate multiple entries.	SSS-PPP-BBBB-DDDD
Application reference	Text	If the victim's application has been attributed a document ID in accordance with section D above, please indicate the document ID. All prior victim's applications should be recorded in this field, including the document ID. This is a one to many field. Semi-colon must separate	SSS-PPP-BBBB-DDDD

		multiple entries.	
Appearance	Pick List	Please indicate how the witness will testify or how the victim will express his/her views and concerns: Permissible values are; Audio/Video In person Transcript Written Statement	In person
Expected Appearance Length	Text	Please indicate the length of time the witnesses testimony or victim's appearance may take in hours and minutes (hh:mm) format to assist the Court in arranging the hearing	02:00

Note: All text fields shall be in ISO 8859 Latin 1 (West European)

IV. General provisions

A. Virus responsibility

31. It is the responsibility of the recipient of the electronic data to test for viruses. The sender shall take all reasonable precautions to ensure that their data is virus free.

B. Protocol updates

32. The Registry will co-ordinate consultation involving representatives from the Registry, Chambers and all interested situation participants to review:
- Suggestions to update and improve the protocol;
 - Determine codes to be set for any additional participants who may be added to the proceedings and to organize exchange of data with any such participants.
 - Attempt to resolve any issues which arise in the course of the application of this Protocol.
33. As appropriate updates to the Protocol text shall be implemented or submitted to the Chamber for approval.
34. The amended Protocol shall be filed in the record of the case and, where appropriate, the Registry may suggest updating the Protocols already implemented in other cases.

Appendix A – Participant Codes

Prefix in numbering regime being PPP	Code
Chambers	PT1, PT2, etc for Pre Trial Chamber TC1, TC2, etc. for Trial Chamber APP for Appeals Chamber
In Court Evidence	ICE This would also include any evidence generated on the SmartBoard
Prosecution	OTP
Defence If more than one Defendant Office of Public Counsel for Defense	D01 to D99; DAB.... (each defense team is assigned a unique code across all the cases) PCD would stand for OPCD.
Office of Public Counsel for Victims Legal Representatives for Victims	PCV would stand for OPCV VZB; V04; V99....(each team is assigned a unique code across all the cases)
State	XXX, the three identifying letters chosen for the situation concerning the State Example: DRC for Republic Democratic of Congo
XXX	Documents which are handed up in Court in Hardcopy are given an XXX number until the relevant participant provides the court with the electronic version in the proper format

Appendix B - Methodology for Host/Attachment Determination

1. Document Delimiting

- Any document that stands on its own with individually identifiable characteristics should be delimited separately.
- The back of pages with any text or markings should be included within documents and not, without compelling reasons to the contrary, be delimited as separate documents.

2. Host / Attachment / Unattached²

- Documents that make reference to attached documents should be linked with the host and attachment structure.
- Translated documents will be linked in the database through the host and attachment structure where the original document will play the “host” and any translations of that document will be “attachment(s)”.
- Redacted versions of the host document will have their own Doc ID and be linked in the database through the host and attachment structure where the original document will play the “host” and any redaction version or corrigendum will be the “attachment”.
- Transcripts of media should also be linked through the host attachment structure where the original media item will play the “host” and any transcriptions of that item will be “attachment(s)”.
- Documents which have been created in the Court, and which are related to an “original document” (for example by a witness drawing on the “original” document and captured by the smartboard technology) will be given an ICE (In Court Evidence) number and will be linked to the “original” document through the “host/attachment” field where the “original” document will be the “host” and the “newly” created document will play the “attachment”.
- Annexures and appendices should be delimited as one document unless the annexures can be regarded as having individual and identifiable characteristics. E.g. a binder with tabbed appendices where the appendices have identifiable characteristics (e.g. each doc has a date, title, author etc) would result in the first document being the host and subsequent appendices being the attachments.

2.1. e-Files

- If the e-file was extracted from a container file, the Doc ID of the container file should be the host.
- If the e-file was attached to an email message, the Doc ID of the email message should be the host.

1. _____

2. ² The Registry shall investigate an alternative way of relating the documents (records). This part of the protocol may be amended in the future depending on findings.

2.2. e-Mail:

- If the e-mail message was attached to another email message, the Doc ID of that email message should be in this field.

Appendix C - Types

It is acknowledged that this list is not exhaustive.

OTP, as the participant that commences coding evidence and material, shall provide and update periodically as required their list of document types³.

Items provided in original electronic format (e-files and email) shall be assigned a type according to the types listed, and based on their file extension, or as otherwise determined by the forensic processing software, additional extensions may be identified and categorised within the types listed.

Type (e-Files and email only)	Explanation / Example file extensions
Text Document	.Doc .txt .rtf .pdf .html .htm
Spreadsheet	.xls .123
Presentation	.ppt
Database	.mdb .dat
Correspondence (e-mail)	.eml .msg
Audio Recording	.mp3 .wma
Video Recording	.mpeg .wmv
Graphics File	.jpg .jpeg .bmp .tif .tiff .png
Container File	.cab .zip .pst .rar

Materials collected in physical form

Type	Explanation
Calendar / Diary	Any chronological overview or record by an individual (printed, electronic or handwritten); any form of calendar.
Certificate	Any type of certificate given by a private or public body.
Complaint	Any document containing a complaint to an official instance.
Contact list	Any list containing primarily names or contact details.
Contract / agreement	Any kind of commercial contract including employment contracts.
Correspondence (e-mail)	Any email, including emails attaching reports, letters or other documents.
Correspondence (envelope)	Any envelope, whether posted or not.
Correspondence (fax)	Any type of fax, or record that a fax was sent. If the document concerns a letter that also has been faxed, it should be classified as a letter.
Correspondence (internal memorandum)	Any type of memorandum between people within a group / organization / government (not the ICC), including e.g.

1. _____
3. ³ The impact of the proposed changes to the document types list should be investigated prior to the amendment of the latter.

Type	Explanation
	mission orders.
Correspondence (invitation)	Any kind of public or private invitation to attend any place or event, that clearly identifies an addressee.
Correspondence (letter)	Any letter, including covering letters and documents drafted as a letter that were also transmitted by fax.
Court Document (ICC)	Any legal document (submissions, judgments) in court procedures conducted before the ICC.
Extra page	Any extra page that is not part of a document, such as cover sheets (other than covering letters), dividers, separators pages, empty files.
Financial document (bank record)	Records kept by any financial institution, including internal records and records that are sent or otherwise provided to customers. This includes details of accounts and account statements.
Financial document (invoice)	Any invoice or bill issued, seeking payment or other remuneration.
Financial document (other)	Any other document of a financial nature, including cheques.
ICC Statement - ICC screening	Screening assessment taken by someone who is a member of the ICC.
ICC Statement - ICC transcribed statement	Written version of a statement that was initially recorded by a member of the ICC by audio and/or video means, but has been reduced to written form at a later date.
ICC Statement - Electronic Media	A statement which is recorded by a member of the ICC by audio and/or video means
ICC Statement - General	Any statement taken by someone who is a member of the ICC.
ICC Statement - ICC investigator interview notes	Notes taken during an interview by someone who is a member of the ICC.
Identifying document	Any official document that identifies a person, such as a passport, identity card, membership card of an organization.
Internal guidelines / instruction /orders	Any guidelines or instructions, given by a non-public or non-governmental entity and which are not technical instructions.
Legislation / government instruction / public guidelines	Any legal or official document issued by the legislative body or government [official body] such as decrees, directives, ministerial instructions, etc.
List / table	Any other list or table that does not primarily contain names or contact details.
Map	Any document representing the layout of a location, including clear sketches that indicate a geographical location.
Media / Press article	Media articles that are public, regardless whether they are taken from Internet, newspapers, newsletters, etc. including press briefings and press releases.
Minutes of meetings	Any record of the proceedings or outcome of a meeting which is clearly identified as such.
National judicial Document	Any legal document (submissions, claims, judgments, brief)

Type	Explanation
(Non ICC)	in court procedures conducted before any court except the ICC.
Non-ICC Statement (Note / Screening / Transcript)	Any type of witness statement that is not an ICC witness statement, ICC interview notes or non-ICC interview notes; notes taken during an interview by someone who is not a member of the ICC; written version of a statement that was initially recorded by a person who is not a member of the ICC by audio and/or video means, but has been reduced to written form at a later date.
Notebook	Any notebook (not just a few pages) that includes handwritten notes.
Organisation diagram	The structure of a group / organization, including command structure, where in diagram format.
Other notes	Any notes recorded by a person other than an investigator, and that are not a memorandum or report, and are not a dated and chronological record (which is a diary).
Personal data	Any document that records data relating to a person / group / organization which is given in text-format possibly with photographs, including Biography / Curriculum Vitae / Resume / Profile.
Photograph/s	Any document with mainly photographic images (even if those images were captures from another media such as video). The document may have wording, such as captions.
Physical item	Any physical item which is not a document (on either physical or electronic media).
Pre-Registration Form	An ICC pre registration form documenting the collection of evidence.
Presentation	Any presentation given in a relatively public environment, including public presentation, public speech or declaration, slides, but that is not a witness statement.
Receipt	Any receipt issued, acknowledging payment for any kind of commercial transaction, or the receipt of goods.
Report	Any report that is not publicly available (including a chronology that is not a calendar nor a diary), which will generally be regarding past events (contrasted with an internal memorandum, which will contain advice, opinion, or instructions for future action); or Any report that is publicly available (usually from a NGO, IGO or government).
Sketch	Any draft of any object / person / location which is not clearly a map.
Surrogate page	These sheets mark the place of evidence that cannot otherwise be included in the system.
Technical manual	Any kind of technical manual.
Transcript	Written version of audio/video material that cannot be considered the recording of a statement (e.g. transcript of

Type	Explanation
	film).
Translation - ENG	Any translation into English of one of the above
Translation – FRA	Any translation into French of one of the above
Travel related and other administrative document	Any documents relating to travel, including route plans, tickets, itineraries.

Appendix D - Numbering Example

- Document A: Document collected in physical form
- Document B: Item provided in electronic form
- Document C: Electronic item converted to standard image format

Document A	Document B	Document C
Original Paper document Situation: UGA Batch: 0123 Participant: Office of the Prosecutor (OTP) No Pages: 5	Original Electronic Document Situation: UGA Batch: 0123 Participant: Office of the Prosecutor (OTP) No Pages: 3	Converted Electronic Document Situation: UGA Batch: 0123 Participant: V01 No Pages: 3

	Doc ID	Image Location	Image Files	Page No
A	UGA-OTP-0123-0001	images\UGA\OTP\0123\	UGA-OTP-0123-0001-tif	1
			UGA-OTP-0123-0002-tif	2
			UGA-OTP-0123-0003-tif	3
			UGA-OTP-0123-0004-tif	4
			UGA-OTP-0123-0005-tif	5
B	UGA-OTP-0123-0006	images\UGA\OTP\0123\	UGA-OTP-0123-0006-tif	1
			UGA-OTP-0123-0007-tif	2
			UGA-OTP-0123-0008-tif	3
C	UGA-V01-0001-0001	images \ UGA \ V01 \ 0001 \	UGA-V01-0001-0001-tif	1
			UGA- V01-0002-tif	2
			UGA- V01-0003-tif	3
			UGA- V01-0004-tif	4

ANNEX II

List of evidence

No.	Factual Statement	DOC ID or ERN	Title of Document	Doc Type	Main date	Excerpts from the document ¹	Elements of the charges
X	DCC	CIV- OTP- xxxx- xxxx	Statement of Witness xxx	Statement	21 December 2011	Par. 51 "xxxx"	I. A - Common contextual elements – Crimes Against Humanity I. A. 1 – Attack

¹ Pursuant to rule 76(3) of the Rules of Procedure and Evidence, the excerpts from witness statements shall be provided in French.

ANNEX III

Element-based Chart

Crimes Against Humanity

I.A. Common contextual elements – Crimes Against Humanity

DOC ID or ERN	Title of Document	Page or paragraph
CIV-OTP-xxxx-xxxx	Statement of Witness xxx	[Reference to the relevant page or paragraph as specific as possible]