

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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TRIAL CHAMBER I

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio Benito
Judge René Blattmann

Registrar: Mr Bruno Cathala

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
IN THE CASE OF
THE PROSECUTOR vs. THOMAS LUBANGA DYILO**

Public

Prosecution's submission regarding the subjects that require early determination: trial date, languages to be used in the proceedings, disclosure and e-court protocol

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Background

1. On 29 March 2007, the Prosecution filed the "Prosecution's Submission in Anticipation of a Status Conference"¹ (29 March 2007 Submission). In the 29 March 2007 Submission, the Prosecution raised a number of upcoming pre-trial and trial matters that in the Prosecution's view merit early consideration by the Trial Chamber.² These matters included the instruction of expert witnesses, disclosure, the use of the E-Court Protocol, proofing of witnesses, protection of victims and witnesses and the outcome of the Confirmation Hearing.³
2. On 18 July 2007, the Trial Chamber issued the "Request for submissions on the subjects that require early determination"⁴ (Request). In the Request, the Trial Chamber identified a number of subjects that require early determination, including the date of the trial, the languages to be used in the proceedings, aspects of disclosure, the use of the e-court Protocol, the role of victims in the proceedings in the period leading up to the commencement of the trial, the procedures to be adopted for instruction of expert witnesses, the approach to be adopted to witness familiarisation and witness proofing, the status before the Trial Chamber of the evidence heard by the Pre-Trial Chamber, and the status of the decisions of the Pre-Trial Chamber in trial proceedings.⁵

¹ Prosecution's Submission in Anticipation of a Status Conference, public redacted version, 29 March 2007, ICC-01/04-01/06-853.

² See 29 March 2007 Submission, at para. 5.

³ See 29 March 2007 Submission, at paras. 8 to 12 (expert witnesses), 13 to 16 (disclosure), 17 to 21 (E-Court protocol), 22 to 25 (Proofing of witnesses), 26 to 30 (Protection of victims and witnesses) and 31 to 32 (Outcome of the Confirmation Hearing).

⁴ Request for submissions on the subjects that require early determination, public, 18 July 2007, ICC-01/04-01/06-936.

⁵ See Request, at paras. 6 to 8.

3. In the Request, the Trial Chamber established a detailed schedule for the filing of submissions and hearings between 17 August and 17 October 2007.⁶ As part of this schedule, the Trial Chamber ordered the Participants to make submissions by 17 August 2007 on the following four topics: (i) the date of the trial, (ii) the languages to be used in the proceedings, (iii) disclosure, and (iv) the e-Court Protocol.⁷
4. In the Request, the Trial Chamber “strongly encourage[d] the parties to consult and to achieve consensus between themselves on the proposals as framed or on any alternatives they may agree upon.”⁸
5. On 27 July 2007, the Trial Chamber by its “Filing on the record of the case of communication on the length of hearings scheduled by Trial Chamber I in September 2007 and October 2007”⁹ (27 July 2007 Filing) informed the Participants about its preliminary assessment that the hearings scheduled for 4, 11 and 25 September and 11 October 2007 may each last for more than one day.¹⁰
6. On 7 August 2007, the Defence filed the “Réponse de la Défense à l’invitation de la Chambre de Première Instance à présenter des conclusions sur des questions devant être tranchées à un stade précoce de la procédure”¹¹ (Defence 7 August 2007 Filing). In the Defence 7 August 2007 Filing, the Defence requested a delay

⁶ *Ibid.*

⁷ See Request, at para. 6.

⁸ See Request, at para. 2.

⁹ Filing on the record of the case of communication on the length of hearings scheduled by Trial Chamber I in September and October 2007, public, 27 July 2007, ICC-01/04-01/06-939.

¹⁰ See 27 July 2007 Filing.

¹¹ “Réponse de la Défense à l’invitation de la Chambre de Première Instance à présenter des conclusions sur des questions devant être tranchées à un stade précoce de la procédure”, public, 7 August 2007, ICC-01/04-01/06-940.

of two months to the schedule as established by the Trial Chamber in order to have sufficient time to familiarise itself with the file.¹²

7. On 15 August 2007, the Prosecution filed the "Prosecution's Response to the 'Réponse de la Défense à l'invitation de la Chambre de Première Instance à présenter des conclusions sur des questions devant être tranchées à un stade précoce de la procédure'"¹³ (Prosecution's 15 August 2007 Response). The Prosecution largely opposed the Defence request to delay the schedule that the Trial Chamber had established in its Request.¹⁴
8. On 16 August 2007, the Trial Chamber by its "Direction suspending the timetable on the subjects that require early determination"¹⁵ suspended the timetable set out in the Request.
9. On 4 September 2007, the Trial Chamber heard the Parties and Participants on the agenda and the timetable.¹⁶
10. On 5 September 2007, the Trial Chamber by its "Order setting out schedule for submissions and hearings regarding the subjects that require early determination"¹⁷ (5 September 2007 Scheduling Order) ordered the Prosecution to file its submissions on all issues except on the role of victims in the proceedings

¹² See Defence 7 August 2007 Filing, at page 5.

¹³ Réponse de la Défense à l'invitation de la Chambre de Première Instance à présenter des conclusions sur des questions devant être tranchées à un stade précoce de la procédure, public with confidential annexes, 15 August 2007, ICC-01/04-01/06-941.

¹⁴ See Prosecution's 15 August 2007 Response, at paras. 7 to 9.

¹⁵ Direction suspending the timetable on the subjects that require early determination, public, 16 August 2007, ICC-01/04-01/06-942.

¹⁶ See transcript of the 4 September 2007 hearing, ICC-01-04-01-06-T-50-EN (4September2007Corrected) 1-27 SZ T.

¹⁷ Order setting out schedule for submissions and hearings regarding the subjects that require early determination, public, 5 September 2007, ICC-01/04-01/06-947.

leading up to, and during, the trial as soon as possible and in any event no later than Wednesday, 12 September 2007.¹⁸

Prosecution's submissions

The date of the trial. The earliest date by which the parties shall be ready for the trial to commence, the volume of evidence to be relied upon by the prosecution and the anticipated number of witnesses to be called by them during the trial

Trial date

11. The Prosecution submits that the ultimate authority for determining the date of the commencement of the trial is held by the Trial Chamber, taking into account, *inter alia*, Article 67(1)(b) and (c), thus ensuring a trial that is fair to all Participants.
12. The Prosecution will not suggest a specific date by which the trial could commence. The Prosecution will, however, support and further contribute to the efforts made by the Court, in particular with respect to witness protection, to start trial as early as possible in 2007.

Volume of evidence

13. In respect of the volume of evidence - in this context understood as covering documents and video-materials - the Prosecution emphasises from the outset that the figures it provides are tentative and will increase, potentially significantly, due to the fact that the Prosecution continues gathering evidence and analysing

¹⁸ See 5 September 2007 Scheduling Order, at para. 6.

it. In doing so, the Prosecution complies, *inter alia*, with its duty pursuant to Article 54(1)(a) to investigate incriminating and exonerating circumstances equally.¹⁹

14. As it stands now, the Prosecution has 417 items on its currently anticipated "List of Evidence". This figure excludes the statements of witnesses. These 417 items include 374 documents; the remainder is comprised of video and audio-materials.

Anticipated number of witnesses to be called by the Prosecution

15. The Prosecution explicitly reiterates its statement on the tentative nature of the figures in respect of its evidence that it can provide at this stage.

16. Against this background, the Prosecution informs the Trial Chamber that it anticipates calling about 45 to 50 witnesses. Despite the fact that the number of witnesses may increase, the Prosecution does not expect it to increase significantly.

The languages to be used in the proceedings. Whether interpretation into languages other than English and French will be required for some or all of the proceedings

17. At this stage, and subject to changes, the Prosecution anticipates that the sole language in addition to English and French that requires interpretation during the proceedings will be Swahili. A significant number - an estimated 70% - of the

¹⁹ The Prosecution notes that the Appeals Chamber has confirmed the Prosecution's right to continue the investigation beyond the Confirmation Hearing. See "Judgment on the Prosecutor's appeal against the decision of Pre-Trial Chamber I entitled Decision Establishing General Principles Governing Applications to Restrict Disclosure pursuant to Rule 81 (2) and (4) of the Rules of Procedure and Evidence", public, 13 October 2006, ICC-01/04-01/06-569, at paras. 2 and 52.

Prosecution's witnesses speak solely Swahili. To date, almost all other witnesses speak French.

18. The Prosecution draws the attention of the Trial Chamber to the fact that the Swahili spoken in Ituri appears to be a variant of the standard Swahili spoken in East Africa.

The timing and the manner of disclosure of the evidence the prosecution seek to rely on to the other party, any participants, and to the Chamber, and all other disclosure issues

Introduction

19. In the pre-confirmation period the disclosure of the evidence pursuant to Articles 61(3)(b) and 67(2) and the inspection of materials pursuant to Rule 77 was governed by, on the one hand, the Single Judge's 15 May 2006 Decision on the final system of disclosure and the establishment of a timetable (Final Decision on Disclosure)²⁰ and, on the other, by the Single Judge's oral decision of 23 June 2006 (Oral Decision on Inspection).²¹

20. Pursuant to these decisions, the disclosure of materials to be relied on at the Confirmation Hearing pursuant to Article 61(3)(b) and of materials that were potentially exculpatory pursuant to Article 67(2), and the inspection of materials pursuant to Rule 77, took place *inter partes*. Under the system put in place by these two decisions, electronic copies of all such materials were disclosed or provided for pre-inspection by the Prosecution to the Defence at jointly arranged

²⁰ Decision on the final system of disclosure and the establishment of a timetable, public, 15 May 2006, ICC-01/04-01/06-102.

²¹ Transcript of the hearing of 23 June 2006, ICC-01-04-01-06-T-9-EN (23JUN2006Edited), pp 49 (line 6) to 51 (line 30).

meetings at regular intervals of approximately two weeks. The electronic copies of the materials were accompanied by written reports on which the documents handed over to the Defence were identified. Also in application of the two decisions, the originals of the incriminating evidence disclosed as well as the accompanying report were filed with the Registry for transmission to the Pre-Trial Chamber. For the materials disclosed as potentially exculpatory evidence or provided for pre-inspection, only the reports were filed with the Registry for transmission to the Chamber.

21. In its 29 March 2007 Submission, the Prosecution raised a number of upcoming pre-trial and trial matters that in its view require early consideration by the Trial Chamber in order to ensure that Thomas LUBANGA DYILO will be tried without undue delay, as required by Article 67(1)(c) and Rule 132.²² The matters raised in the 29 March 2007 Filing included all aspects of disclosure.²³ In this respect, the Prosecution stated that the system put in place by the then Single Judge for the purposes of the Confirmation Hearing is no longer in force,²⁴ making it necessary for the Trial Chamber to determine the system which is to be applied during the pre-trial and trial stages. The Prosecution also submitted that in deciding on the new system to be applied, the Trial Chamber should reconsider the approach taken by the Single Judge in the Oral Decision on Inspection, and the requirement that originals of incriminating evidence be filed with the Registry.²⁵

²² See 29 March 2007 Submission, at para. 5.

²³ See 29 March 2007 Submission, at paras. 13-16 and 17-21, respectively.

²⁴ See 29 March 2007 Submission, at para. 14.

²⁵ See 29 March 2007 Submission, at para. 15.

Overview on the past disclosure

22. As of the last day of the Confirmation Hearing (28 November 2006), the Prosecution had disclosed to the Defence 386 items comprised of 5,897 pages as incriminating evidence pursuant to article 61(3)(b). These items include 17 videos. It disclosed 111 items comprised of 1,480 pages as potentially exculpatory evidence pursuant to article 67(2), in addition to excerpts from 60 witness statements and summaries of the potentially exculpatory and Rule 77 content of 4 witness statements. Finally, the Prosecution provided for pre-inspection 101 items comprised of 892 pages and 5 videos as being either material to the preparation of the Defence, intended for use by the Prosecutor as evidence during the confirmation hearing or at trial, or which belonged to Thomas LUBANGA DYILO pursuant to Rule 77.

23. Since the last day of the Confirmation Hearing, the Prosecution has met the Defence at jointly arranged meetings at regular intervals of two to three weeks. At these meetings, the Prosecution disclosed to the Defence a further 72 items comprised of 680 pages as incriminating evidence pursuant to Article 64(3)(c). It has disclosed additional 45 items comprised of 191 pages as potentially exculpatory evidence pursuant to Article 67(2), in addition to excerpts from 10 witness statements. Furthermore, the Prosecution has continued to provisionally apply the inspection system put in place by the then Single Judge in her Oral Decision on Inspection.²⁶ In application of this system, the Prosecution has provided a further 68 items comprised of 858 pages and an excerpt from one further witness statement for inspection pursuant to Rule 77.

²⁶ Pending the adoption of a system applicable to the pre-trial and trial stages, the Prosecution has also continued to accompany the electronic copies of the materials disclosed or provided for inspection by the Defence with written reports on which the documents handed over by the Prosecution are identified.

Timing of disclosure

24. The Prosecution foresees completing the review of the evidence currently in its possession or control sufficiently in advance of the commencement of the trial, anticipating that it will not start prior to December 2007. More precisely, the Prosecution anticipates having disclosed or provided for inspection, or having sought to lift any restrictions on disclosure on the materials currently in its possession or control from their providers by end of October 2007, provided that all required protective measures are in place.²⁷

25. The Prosecution draws the Trial Chamber's attention to the fact that a comparatively high proportion of the materials that comprise the DRC collection were obtained on the condition of confidentiality pursuant to Article 54(3)(e). While the Prosecution will seek the lifting of the restrictions for any of these items which it must disclose or provide for inspection in a timely manner, the granting of the Prosecution's lifting requests and their timing are largely beyond the Prosecution's control.

Manner of disclosure

26. The Prosecution anticipates that it will continue to be in a position to disclose the materials that fall within the parameters of its disclosure obligations in intervals of two to three weeks, subject to the Defence team's availability. This practice will ensure that the Defence will receive the materials gradually.

²⁷ The Prosecution draws the attention of the Trial Chamber to the following: The Prosecution will only be in a position to disclose the identities of its witnesses, as these would be revealed in their unredacted statements and related documents, once the protective measures are in place. Otherwise, the Prosecution would be required to first apply for authorization of redactions, and afterwards re-disclose unredacted versions of the statements and related documents for which redactions might be approved.

27. The Prosecution wishes to inform the Trial Chamber that it is in the process of discussing with the Defence a proposal for electronic disclosure of materials between them. The Prosecution envisages that electronic disclosure will increase the immediacy between the Parties for disclosure purposes. With this in mind, once and if an agreement is reached between the Parties, they would submit a request to the Registry for the necessary technical support. For the time being and pending implementation of the system of electronic disclosure, the Prosecution, with the agreement of the Defence, will continue to disclose and provide materials for inspection in the way it has done to date.

Requests to the Defence

28. The Prosecution informs the Trial Chamber that for the purposes of identifying materials in the Prosecution's possession which may fall within the scope of Article 67(2), it has relied extensively on keyword searching. In light of the Final Decision on Disclosure, which ordered the Prosecution to disclose most of the potentially exculpatory materials prior to the Confirmation Hearing, the Prosecution identified, prior to the Confirmation Hearing, the searchable materials which in its view needed to be reviewed as a priority. At the time, the Prosecution prioritised certain search criteria in its keyword list, which in the absence of input from the then Defence counsel, it identified as likely to retrieve the most relevant potentially exculpatory materials. In this context, the Prosecution makes explicit reference to its oral submissions at the occasion of the hearing on 23 June 2006.²⁸

²⁸ Transcript of the hearing of 23 June 2006. ICC-01-04-01-06-T-9-EN, at page 56, lines 5-24.

29. The Prosecution has reviewed most of these materials and disclosed the relevant ones, or sought the lifting of any existing Article 54(3)(e) restrictions. The Prosecution is currently completing the review of the remainder of the materials which were responsive to the keyword searching and has progressed in its review of the substantial amount of materials which are not electronically searchable; the latter materials comprise about half of the DRC evidence collection.

30. In the interest of making its keyword searching as meaningful as possible, the Prosecution has extended repeated invitations to the Defence for it to provide input on the Prosecution's keyword list. On 10 April and 9 June 2006, the Prosecution invited the then Defence Counsel to identify and communicate to the Prosecution any keywords that from the Defence's perspective would allow for the most comprehensive search of potentially exculpatory materials.²⁹ This invitation was renewed to the present Defence Counsel on 27 June 2007.³⁰ To date, the Defence has not contributed to the list of keywords, on the grounds that it has not had the opportunity to familiarise itself sufficiently with the file.³¹

31. The Prosecution has also made repeated invitations to the Defence to provide information on what it considers being "material to the preparation of the defence" in terms of Rule 77. On 10 and 20 April and on 9 June 2006, the

²⁹ Reference is made to the transcript of the hearing of 24 April 2006, ICC-01-04-01-06-T-4-CONF-EN, pages 13 (line 25) through 14 (line 8), pages 34 (line 20) through 35 (line 3), and page 39 (lines 6-10); to the transcript of the hearing of 24 May 2006, ICC-01-04-01-06-T-8-CONF-EN, pages 20 (line 9) through 21 (line 7); and to the transcript of the hearing of 23 June 2006, ICC-01-04-01-06-T-9-EN, page 22 (lines 13-18) and page 57 (lines 17-20). The list of keywords was transmitted to the then Defence Counsel in English and French on 20 April and 8 May 2006, respectively, pursuant to a request from the Defence of 13 April 2006.

³⁰ The list of keywords was transmitted to the current Defence Counsel in English and French on this date.

³¹ Reference is made to the transcript of the hearing of 24 April 2006, ICC-01-04-01-06-T-4-CONF-EN, page 42 (lines 4-7); and to the transcript of the hearing of 23 June 2006, ICC-01-04-01-06-T-9-EN, page 58 (line 4) through 59 (line 12).

Prosecution invited the then Defence Counsel to identify any issues “which are material to the preparation of the defence”, in order to allow the Prosecution to provide for comprehensive and timely inspection of any relevant materials.³² This invitation was renewed to the present Defence Counsel on 23 June 2007. To date, the Defence has not informed the Prosecution of the issues, if any, that it considers material to its case.³³

Disclosure to Participants

32. With respect to victims participating in the trial, the Prosecution submits that, in principle, they should have access through their legal representatives to materials which are filed by the Parties as evidence and which are publicly available.³⁴ This is the approach taken by the Pre-Trial Chamber during the confirmation proceedings.³⁵ It is also consistent with the position taken by the Prosecution at the Confirmation Hearing,³⁶ and with what the Legal Representatives of the victims themselves requested.³⁷

³² Reference is made to the transcript of the hearing of 23 June 2006, ICC-01-04-01-06-T-9-EN, page 22 (lines 20-24).

³³ Reference is made to the transcript of the hearing of 24 May 2006, ICC-01-04-01-06-T-8-CONF-EN, page 28 (lines 5-10). The then Defence Counsel's position, as conveyed to the Prosecution on 13 April 2006, had been that the Defence need not provide any criteria that would lead to the identification of such materials. In the Defence's view, the Prosecution should disclose all materials in its possession and give the Defence unlimited access to its files. This position was rejected by the Pre-Trial Chamber in its “Decision on the final system of disclosure and the establishment of a timetable”, public, 15 May 2006, ICC-01/04-01/06-102, at page 5.

³⁴ Reference is made to the Prosecution's submissions regarding public documents - see the “Prosecution's Response to ‘Observations concernant les modalités de la participation des Victimes’”, public, 25 August 2006, ICC-01/04-01/06-228, at para 27.

³⁵ Reference is made to the Pre-Trial Chamber's “Decision on the Applications for Participation in the Proceedings of a/0001/06, a/0002/06 and a/0003/06 in the case of the Prosecutor v. Thomas Lubanga Dyilo and of the investigation in the Democratic Republic of the Congo”, public redacted version, 28 July 2006, ICC-01/04-01/06-228, in which that Chamber orders the Registrar to notify the Legal Representatives of the victims of all public documents in the case; and to the “Decision on the Arrangements for Participation of Victims a/0001/06, a/0002/06 and a/0003/06 at the Confirmation Hearing”, public, 22 September 2006, ICC-01/04-01/06-462, in which the Pre-Trial Chamber decided that, unless the Chamber decides otherwise in light of exceptional circumstances, the victims would be notified of public documents only.

³⁶ See the Prosecution's Response to “Observations concernant les modalités de la participation des Victimes”, ICC-01/04-01/06-353, public, 25 August 2006, at paras. 25 and 26, where the Prosecution submitted that pursuant to Rule

33. The Prosecution submits that victims participating in the trial through their Legal Representatives should only have access to other documents on a case-by-case basis.
34. In connection with this, the Prosecution would like to stress with the Trial Chamber that, in the context of requests for lifting of Article 54(3)(e) restrictions, it routinely requests providers to grant permission to disclose the materials concerned to the victims and their Legal Representatives.
35. In the interest of facilitating victims' access to public materials and to materials for which Article 54(3)(e) restrictions have been lifted, the Prosecution undertakes to provide victims participating in the trial through their legal representatives access to them if and once they are filed as part of the Prosecution's List of Evidence, as it did during the Confirmation Hearing,³⁸ together with a list of those materials.

Disclosure to the Trial Chamber

36. The Prosecution submits that materials disclosed to or provided for inspection by the Defence pursuant to Article 67(2) and Rule 77 need not be communicated to the Trial Chamber. It will be the Defence's discretion whether it seeks to rely on those materials at trial and communicate them to the Chamber.

121(10), victims may consult the record of all proceedings before the Pre-Trial Chamber subject to restrictions on confidentiality and the protection of national security information.

³⁷ Reference is made to the submissions by Legal Representative Mr Luc Walleyne at the hearing of 10 November 2006, ICC-01-04-01-06-T-32-EN, pages 43 (line 22) through 44 (line 2), at which the Legal Representative said that the Legal Representatives were only requesting access to documents considered public by the Defence or the Prosecution. The Legal Representative left it to the Parties to determine what they consider being subject to confidentiality.

³⁸ See the transcript of the hearing of 14 November 2006, ICC-01-04-01-06-T-34, pages 1 (line 20) through 2 (line 2).

37. With respect to materials disclosed by the Prosecution as incriminating evidence, the Prosecution refers to its 29 March 2007 Submission.³⁹ In the Prosecution's view, the Trial Chamber should receive copies of all materials included in the Prosecution's List of Evidence but, in principle, the originals of such materials should be retained by the Prosecution in order to ensure their availability to the Prosecution for further investigations and potential prosecutions in the DRC situation. Upon the Trial Chamber's request, the Prosecution would transmit any originals on a case-by-case basis.⁴⁰

Other issues

38. The Prosecution would like to draw the Chamber's attention to the submissions on the scope of Rule 77 made in its 29 March 2007 Submission.⁴¹

An e-Court protocol. Whether the "Technical Protocol for the Submission of Evidence, Material and Witness Information in Electronic Version for Their Presentation During the Conformation Hearing" should be adopted, or amended, for use in the trial proceedings

39. Whilst the Prosecution will support the adoption of a protocol that serves the purpose of supporting the Court's daily judicial and operational management and its proceedings within the purview of Regulation 26, it submits that the "Technical Protocol for the Submission of Evidence, Material and Witness Information in Electronic Version for Their Presentation During the Confirmation

³⁹ See 29 March 2007 Submission, at para. 15(ii).

⁴⁰ The Prosecution will expand on these considerations at the occasion of the 1 October 2007 hearing.

⁴¹ See 29 March 2007 Submission, at para.15(i), and in particular footnote 18. The Prosecution will expand on these submissions at the occasion of the 1 October 2007 hearing.

Hearing” as applied during the Confirmation Hearing (Technical Protocol) should not be adopted for use in trial.

40. The Prosecution makes explicit reference to its 29 March 2007 Submission, and in particular to paragraphs 18 to 21 and the related footnotes.
41. In addition, the Prosecution has noticed with concern that the information to be provided by the Parties transformed the Technical Protocol into a case-specific evidence analysis tool and thus goes beyond the purpose of the - non case-specific - electronic management of the Court proceedings as foreseen in Regulation 26.
42. In this context, the Prosecution draws the Trial Chamber’s attention to the fact that the Trial Chamber, the Defence, the Prosecution and the other Participants have different requirements in respect of how they manage and analyse the evidence, resulting in them having to use independent tools. In addition, the Prosecution is of the view that analytical metadata may mislead all Participants to the Court proceedings, including the Trial Chamber, due to their fluid nature.
43. Accordingly, the Prosecution will not support a suggestion to adopt the Technical Protocol as it applied during the Confirmation Hearing. In particular, the Prosecution would not support the inclusion of case specific and analytical metadata fields such as were required by the then Single Judge’s “Final Decision on the E-Court Protocol for the Provision of Evidence, Material and Witness Information in Electronic Version for their Presentation During the Confirmation

Hearing".⁴² The Prosecution will, however, favour a Technical Protocol similar to the one that was submitted as Annex 1 to the Registry's "Submission of a New Version of the E-Court Protocol Prepared Jointly by the Office of the Prosecutor, the Defence and the Registry".⁴³



Luis Moreno-Ocampo
Prosecutor

Dated this 11th day of September 2007
At The Hague, The Netherlands

⁴² Final Decision on the E-Court Protocol for the Provision of Evidence, Material and Witness Information in Electronic Version for their Presentation During the Confirmation Hearing", public, ICC-01/04-01/06, 28 August 2006, at page 6.

⁴³ Submission of a New Version of the E-Court Protocol Prepared Jointly by the Office of the Prosecutor, the Defence and the Registry, public, ICC-01/04-01/06-201, 20 July 2006.