

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/07

Date: 30 June 2008

PRE-TRIAL CHAMBER I

Before: Judge Akua Kuenyehia, Presiding Judge
Judge Anita Ušacka, Judge
Judge Sylvia Steiner, Judge

**SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO
IN THE CASE OF
THE PROSECUTOR
*v. Germain Katanga and Mathieu Ngudjolo***

Public

**Registry report on the delayed notification of a document submitted by the Office
of the Prosecutor for registration in the case record**

Source: Registry

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Luis Moreno Ocampo, Prosecutor
Fatou Bensouda, Deputy Prosecutor

Counsel for the Defence for Germain Katanga

Mr David Hooper
Ms Caroline Buisman

Counsel for the Defence for Mathieu Ngudjolo

Mr Jean-Pierre Kilenda Kakengi
Ms Maryse Alié

Legal Representatives of the Victims

Ms Carine Bapita Buyagandu
Mr Joseph Keta
Mr J. L. Gilissen
Mr Jean-Christophe Mulamba
Nsokoloni
Mr Hervé Diakiese

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

Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

Victims Participation and Reparations Section

Other

THE REGISTRAR of the International Criminal Court (the “Registrar”);

NOTING the Decision of Pre-Trial Chamber I (the “Chamber”) entitled “Decision concerning the Prosecution’s Further Information in relation to Article 67(2) of the Statute and Rule 77 of the Rules of Procedure and Evidence” dated 23 June 2008¹ ordering the Registry to “[...] file a report explaining the reasons for the delay in the notification of the Prosecution’s Information by Monday 30 June 2008 at 16h00”;

NOTING rules 15 and 121 paragraph 10 of the Rules of Procedure and Evidence, regulations 17, 26, 31 and 33 of the Regulations of the Court (the “RoC”), regulations 24-3 and 39 of the Regulations of the Registry (the “RoR”);

SUBMITS:

The Court Management Section (“CMS”) received a total of twenty one documents for registration in the respective situation and case files on Friday, 20 June 2008. Thirteen documents were received after 15h15 and within office hours of which four documents were marked as urgent. The processing of a document including its notification lasts in average 30 minutes.

The Prosecution’s Information² (the “Submission”) was received at 17h43. The word “URGENT” was inserted on the cover page of the Submission. The Submission was notified on 23 June 2008 at 10:51.

¹ ICC-01/04-01/07-630

² ICC-01/04-01/07-622-Conf

Due to a technical problem with the scanners, the Office of the Prosecutor could not submit documents in an electronic format, and therefore provided CMS with a hardcopy. Another document bearing the same title as the Submission was submitted for registration by the Office of the Prosecutor in a different case file and at the same moment.

All those submitting urgent and late documents to CMS for registration out of filing hours³ are to inform the Duty Officer⁴. It has been the practice to inform the relevant Court Officer in advance so that he/she can plan accordingly and ensure the presence of the duty Court Records Assistant. This is done so as to ensure the proper and timely notification of the late and urgent document. However, out of the four Court Records Assistants working in CMS and in charge of processing and notifying the documents submitted for registration, only the one on duty was present after working hours, to process late and urgent documents. The Office of the Prosecutor did not inform the Duty Officer or the relevant Court Officer of the Submission.

Due to the large amount of documents⁵ received for registration, technical problems faced by the originator of the Submission, omission of the later to inform the Duty Officer or the Court Officer, the submission has been inadvertently omitted and thus notified only on Monday morning.

³ Regulation 33-2 of the RoC.

⁴ Regulation 24-3 of the RoR.

⁵ Decisions, orders and documents as defined in regulation 22 of the RoC.

The intention of the drafters of the amended regulation 33-1-c of the RoC⁶, was to prevent documents being submitted for registration in situation and case records after the filing hours on, and especially Fridays and/or days preceding official holidays, the deadline starting to run from the notification as opposed to the submission for registration.

Delays in the registration and notification of documents are likely to increase with the number of late and urgent documents submitted for processing by CMS. Approximately one third of the total amount of documents issued by the Chamber since the month of January 2008 have been submitted for registration after the filing and working hours of the Registry. One of the four urgent documents submitted for registration on the 20 June 2008, was submitted as late as 22h00.

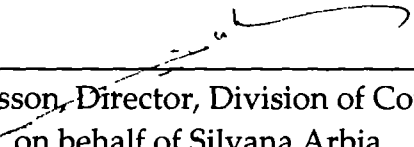
As a result of the Registry's endeavouring to do its best to assist the Chamber as expeditiously as requested, regulations 17 of the RoC, 24-3 and 39 of the RoR have not been complied with to the fully.

UNDERTAKES to avoid committing similar delays in the future and recalls the necessity that the Duty Officer or the Court Officer be informed of late and urgent documents;

⁶ Amended 14 November 2007, entered into force 18 December 2007.

RESPECTFULLY:

1. Submits the requested report;
2. Suggests that late and urgent filings be avoided to the extent possible;
3. Informs that late and urgent filings will be treated in accordance with regulation 17 of the RoC and regulations 24-3 and 39 of the RoR.



Marc Dubuisson, Director, Division of Court Services
on behalf of Silvana Arbia,
the Registrar

Dated this 30 June 2008

At The Hague, The Netherlands