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No.: ICC-01/09-02/11

Date: 5 July 2012

TRIAL CHAMBER V

Before: Judge Kuniko Ozaki, Presiding Judge
Judge Christine Van den Wyngaert
Judge Chile Eboe-Osuji

**SITUATION IN THE REPUBLIC OF KENYA
IN THE CASE OF
*THE PROSECUTOR v. FRANCIS KIRIMI MUTHAURA AND
UHURU MUIGAI KENYATTA***

Public Document

**Registry submissions on the Generic E-court Protocol pursuant to Order
ICC-01/09-02/11-438**

Source: Registrar

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

The Office of the Prosecutor
Fatou Bensouda

Counsel for the Defence of Mr Muthaura
Karim A. Khan QC, Essa Faal, Kennedy
Ogetto and Shyamala Aagenda

Counsel for the Defence of Mr Kenyatta
Steven Kay QC and Gillian Higgins

Legal Representatives of the Victims
Morris Anyah

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants
(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

Deputy Registrar

Didier Preira

Victims and Witnesses Unit

Counsel Support Section

Detention Section

**Victims Participation and Reparations
Section**

Other

The Registrar of the International Criminal Court (the "Court");

NOTING the "Prosecution's Submissions on the Agenda for Status Conference" of 28 May 2012¹;

NOTING the "Registry submissions following the *Order scheduling a status conference*" of 28 May 2012²;

NOTING Trial Chamber V's ("the Chamber") "Order on the E-Court Protocol" of 19 June 2012³;

NOTING Rules 13(1) and 15 of the Rules of Procedure and Evidence ("RPE"), Regulation 28 of the Regulations of the Court ("RoC"), and Regulations 10, 16, 21(2), 53 of the Regulations of the Registry ("RoR");

CONSIDERING that the Chamber ordered the Registry "to file a fully revised and updated Generic E-Court Protocol, including, if possible, the newly proposed metadata field, no later than 5 July 2012"⁴;

TRANSMITS respectfully to the Chamber the following observations;

1. The E-court User Group has discussed the possible updates to be introduced in the Generic E-court Protocol as instructed by the Chamber.

¹ ICC-01/09-02/11-428

² ICC-01/09-02/11-430

³ ICC-01/09-02/11-438

⁴ *Ibid*

2. The updates to the Generic E-court Protocol that were discussed are related to the following:

a) Creation of a new metadata field named “Related to witness”

The Defence for Mr Muthaura requested the addition of a new metadata field called “Related to Witness”⁵.

Upon agreement of parties and participants the inclusion of this new metadata field is feasible for immediate implementation in the generic e-court protocol.

This field will be added to the section related to the provision of metadata information relating to evidence and material in electronic form (section D). This field is to be completed for items of potential evidence that are generated by a participant and are a result of the participant's direct interactions with the witness, such as witness statements, summaries, transcripts prepared by a party or participant and emanating from the witness.

b) Numbering errors and corrigendum pages

This update will be added to the section related to the numbering regime (section C) and it seeks to provide clarification on the method to use when new pages need to be inserted in Ringtail due to an error in the numbering and registration.

It also includes the procedure to follow where corrigendum pages must be inserted to make corrections to the content of the evidence (paragraph 23).

⁵ ICC-01/09-02/11-427

The corrected page shall be inserted together with the information related to the description, reason and date of the correction, the exact location of the correction, original text, and corrected text.

This information is to be detailed as metadata field(s) in the new corrigendum page.

c) Specific measures for excerpts from video and audio recordings

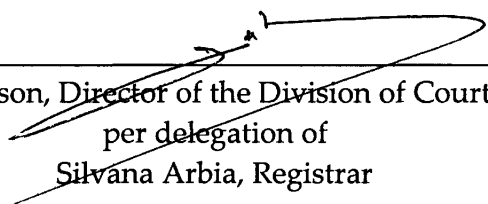
This update was discussed among representatives of the Registry, parties and OPCD which refer to the handling of extracts from video and audio material.

The process suggested by one of the parties on adding specific measures for excerpts from video and audio recordings has not been thoroughly reviewed to assess its feasibility as it may require provision of additional software and specialized skills in handling audiovisual material.

At this stage, the E-court User Group has not reached a consensus, and therefore this update is not included in the current version of the generic e-court protocol.

In addition other minor changes related to editing and formatting were applied throughout the whole document in particular in the explanation of witness ID (section E) and in appendix D.

3. The Registry submits as annex 1 to this report the updated generic e-court protocol agreed upon by the E-court User Group and respectfully recommends its adoption for the purposes of trial proceedings.



Marc Dubuisson, Director of the Division of Court Services
per delegation of
Silvana Arbia, Registrar

Dated this 5 July 2012

At The Hague, The Netherlands