

From: Trial Chamber V Communications
Sent: 12 March 2021 12:24
To: Giudici, Chiara; Trial Chamber V Communications
Cc: D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; OTP CAR IIB Case Management; OTP CAR IIB Operations; Chamber Decisions Communication; Associate Legal Officer-Court Officer
Subject: RE: ICC-01/14-01/18 - Substitution of Hard Copy Binders
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Counsel,

The Presiding Judge takes note of the request below.

Should the Defence intend to use the same documents as the Prosecution, there is no need to create separate binders on ecourt. Should the Defence wish to use additional documents, it suffices if the Defence's binder contains only these documents.

However, the Presiding Judge instructs the Defence to provide hyperlinks to the material in ecourt on its list of documents, in line with his previous directions (see email from the Chamber, 5 March 2021, at 18:59) and inform the Chamber if no binder has been created.

Kind regards, TC V

From: [REDACTED]
Sent: 11 March 2021 15:56
To: Trial Chamber V Communications [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]
Subject: RE: ICC-01/14-01/18 - Substitution of Hard Copy Binders

Dear Trial Chamber V,

The Defence of Mr Ngaissona respectfully requests the Chamber's guidance as to the expected content of the Defence's electronic binders, with reference to the following specific points: 1) If the documents the Defence intends to use during its cross-examination mirror entirely the documents contained in the OTP's electronic binder, is it necessary for the Defence to prepare an electronic binder or is it sufficient for the Defence to refer to the OTP's electronic binder? And 2) In case the Defence intends to use material which is not included in the OTP's electronic binder, would it suffice for the Defence's electronic binder to contain only those documents which are not already included in the OTP's electronic binder?

The Defence is mindful of its obligation to notify the parties and Chamber of the list of materials upon which it intends to rely during the hearing, as established in the Initial Directions on the Conduct of the Proceedings Decision (ICC-01/14-01/18-631, para. 42).

Thank you in advance for your guidance and consideration.

Respectfully Yours,

[REDACTED]

On behalf of the Defence team of Mr Ngaissona

From: Trial Chamber V Communications [REDACTED]

Sent: 05 March 2021 18:59

To: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Subject: RE: ICC-01/14-01/18 - Substitution of Hard Copy Binders

Dear counsel,

The Presiding Judge has considered the proposals made by the Prosecution regarding the substitution of hard-copy binders (as per the Initial Directions on the Conduct of the Proceedings, ICC-01/14-01/18-631, para. 43) with 'electronic binders'.

The Presiding Judge considers that the creation of electronic binders in Ecourt (organised per witness) and adding a 'Court Binder' meta-data field appear to be a suitable option.

For transparency and to properly record the content of these electronic binders, the Presiding Judge further instructs the Prosecution to send per email a document listing the material contained in the relevant electronic witness binder on Ecourt to the Chamber and participants, as part of its communication pursuant to ICC-01/14-01/18-631, para. 41. This document can either be provided in form of an Ecourt Report or a List of Documents PDF as proposed in the Prosecution's first email, as long as it contains (i) hyperlinks to the relevant material and (ii) information on the following: tab, document ID, title/description, type, relevant passages to be used, intention to tender as evidence, information on Rule 68(3).

The Presiding Judge reserves his right to amend this direction, should the suggested system prove inconvenient in practice.

Kind regards, TC V

From: [REDACTED]

Sent: 03 March 2021 19:29

To: Trial Chamber V Communications [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Dear Trial Chamber V,

Dear All,

In addition to providing the hyperlinked lists of documents mentioned in the e-mail below, the Prosecution proposes to also create electronic binders in eCourt (per trial witness), or to provide additional 'Court Binder' (CB) meta-

data. The Prosecution understands that the creation of a significant number of binders may create technical complications. A solution thereto would consist in adding 'Court Binder' (CB) meta-data to the group of documents that the party or participant intends to use with a particular trial witness.

Both solutions allow the eCourt users to select automatically (in one effort) the group of documents intended to be used with a particular trial witness (i.e., either by selecting the binder concerned, or by searching on the new 'Court Binder' meta-data field). Subsequently, and once selected, the eCourt user could:

- **Batch print** all the documents (i.e. in one effort);
- Create **hyperlinked reports**, which can be sorted on any of the available meta-data fields, including on the doc ID (or ERN number) or on the 'tab-number' (through a newly created, temporary, meta-data field); and
- **Update the group** of documents with particular meta-data in one effort (through the **mass-add** function), for example to create sub-binders, to create new binders, or to attach particular decisions.

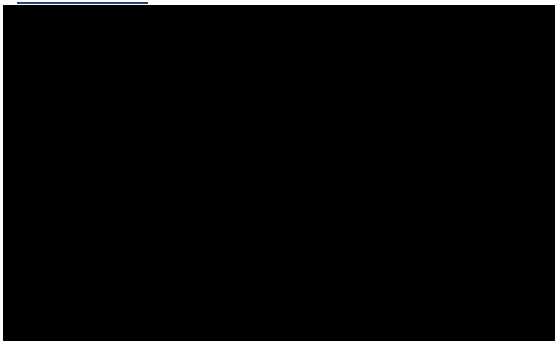
Below we have added some print-screens to illustrate the proposal. It should be noted however that not all eCourt users have the same functionality of eCourt (in respect of the stored lists, the batch print, and the mass add functions for example).

We remain of course at the Chamber's disposal for any further clarifications.

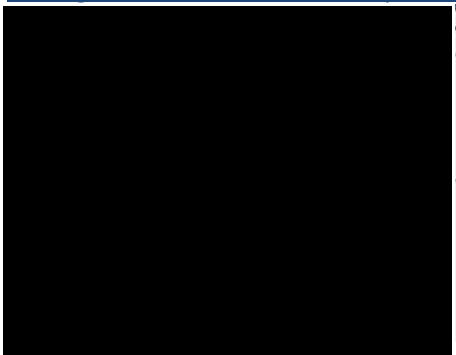
Kind regards,

On behalf of Kweku Vanderpuye

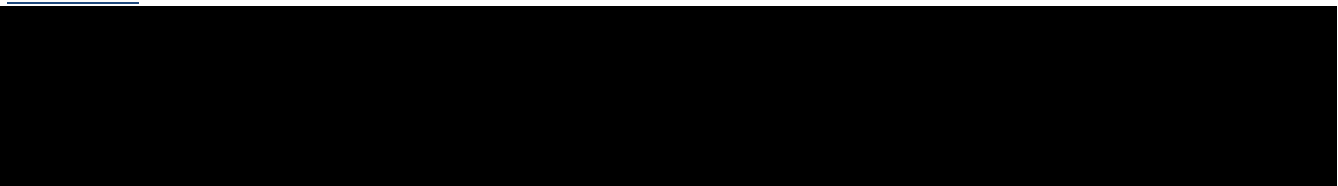
Stored lists:



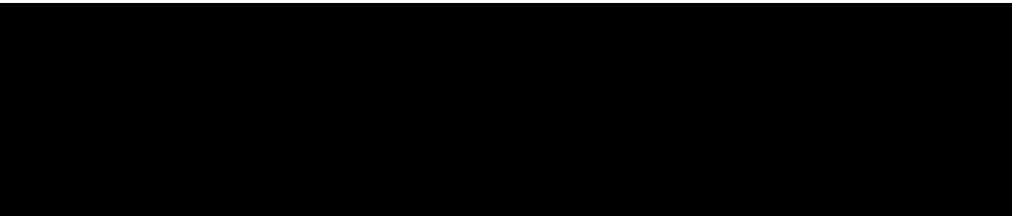
Adding Court Binder meta-data per witness



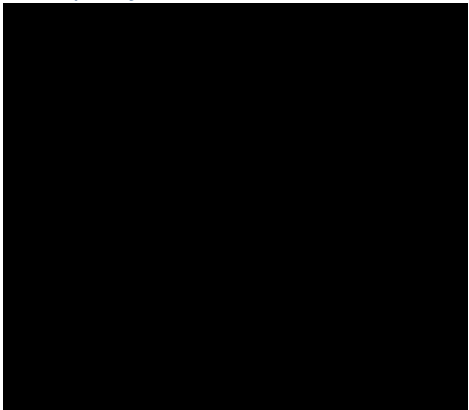
Batch Print:



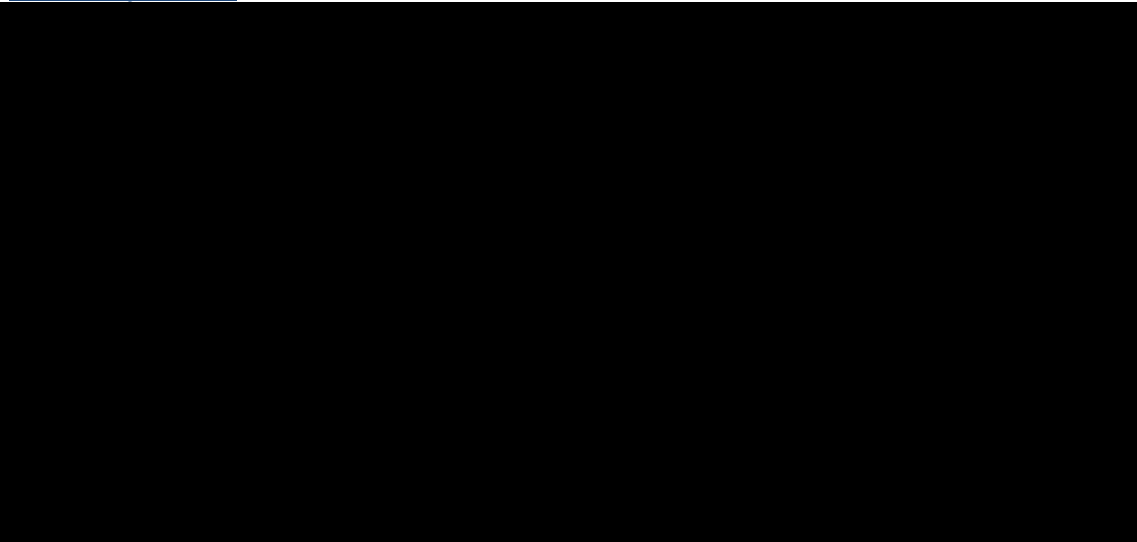
Create reports:



Example of the tab order:



Mass add function:



From: 

Sent: mercredi 3 mars 2021 13:28

To: Trial Chamber V Communications 



Subject: ICC-01/14-01/18 - Substitution of Hard Copy Binders

Dear Trial Chamber V,

Dear All,

Further to our remark on 16 February 2021 at the commencement of trial concerning the requirement of the Initial Directions on the Conduct of Proceedings ((ICC-01/14-01/18-631, para. 43) to provide hard-copy binders containing documents intended to be used with trial witnesses (see ICC-01/14-01/18-T-014-ENG ET, Ins. 4-12), the Prosecution requests the Chamber's authorisation to instead provide hyperlinked lists of documents, given the particular

circumstances of this case and the serious and burdensome resource implications of proceeding otherwise. Two model Lists of Documents are attached for the Chamber's consideration.

We understand that certain difficulties arose in the Al Hassan case, and a solution was reached by organising electronic binders in eCourt. Here, we propose a hyperlinked List of Documents. While it does not have the advantage of being able to print off all the documents in such a list in one go (or 'batch printing' as can be done with an eCourt binder), it has the benefit of simplicity, and a far more straightforward and familiar means of use. The Prosecution estimates that proceeding in the manner proposed would preserve limited resources which might otherwise be required to (re)produce and assemble in excess of 3-400 binders during the course of trial.

The hyperlinking of material in eCourt is an established standard regarding a variety of major instruments, including DCCs, Pre-Confirmation Briefs, Trial Briefs, Appeals, etc. It has been used effectively and reliably over many cases and many years. Thus, we consider this mechanism ideally fit for purpose in this circumstance, and it can reliably obviate the need to produce physical binders, barring exceptional circumstances, while fully accommodating the Chamber's and the Parties' and Participant's ability fully to access listed documents in eCourt during the trial proceedings easily and contemporaneously.

While the attached examples are in a form nearly identical to that used before Trial Chamber VII, should the Chamber consider that certain format changes may be more helpful in this case, we believe that these may be readily implemented.

The Chamber's consideration is very much appreciated. Thank you.

Kind regards,

On behalf of Kweku Vanderpuye

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