

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

No.: ICC-01/04-01/06
Date: 31 August 2006

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

Registrar: Mr Bruno Cathala

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

Public

URGENT

Request for Extension of Time, Clarification and Provision of Information

The Office of the Prosecutor

Mr Luis Moreno-Ocampo, Prosecutor
Ms Fatou Bensouda, Deputy Prosecutor
Mr Ekkehard Withopf, Senior Trial Lawyer

Legal Representatives of

Victims a/0001/06 to a/0003/06

Mr Luc Walley
Mr Franck Mulenda

Counsel for the Defence

Mr Jean Flamme

**Office of Public Counsel
for the Defence**

Ms Melinda Taylor

Background

1. On 28 August 2006, the Single Judge issued the "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"¹ (28 August 2006 Decision).
2. The 28 August 2006 Decision sets the Prosecution a deadline of 4 September 2006 to fill in certain fields detailed in the e-Court Protocol in respect of (i) witness statements² and (ii) evidence other than witness statements.³

Request for extension of time

Data in relation to witness statements

3. The Prosecution, subject to the Single Judge's clarification and provision of information as sought herein, will be able to provide the requested data in respect of witness statements by Monday, 4 September 2006.

¹ 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, 28 August 2006.

² See 28 August 2006 Decision, at page 7.

³ See 28 August 2006 Decision, at page 7.

Data in relation to evidence other than witness statements

4. For providing the requested data for evidence other than witness statements, the Prosecution, subject to the Single Judge's clarification and provision of information as sought herein, anticipates to need three additional days, for the following reasons:

- (i) The additional obligations for disclosure of data pertaining to the document properties: "Author", "Author Organisation", "Recipient", "Parties" and "Related to Witness" entail further tasks to ensure that the data provided is accurate and consistent.
- (ii) The additional obligations in relation to legal coding of documents require additional inputting of metadata.
- (iii) The specific tasks to be undertaken include, *inter alia*: a) undertaking further legal coding of all of the documents pursuant to the 28 August 2006 Decision. This legal coding has not previously been undertaken in the Ringtail system⁴; b) to receive from the Single Judge the list of incidents to be used for legal coding of documents and witnesses⁵; c) the centralisation of witness metadata and the recording of aliases in the centralised secure database; d) to receive from the Court Management

⁴ For example, this concerns "charge", "element", and "incident".

⁵ The Prosecution refers to the language used in the "Table potential evidence, evidence and material" in the 15 May 2006 draft Protocol on the Presentation of Evidence (at page 9), as referred to in the 28 August 2006 Decision (at page 6).

System a witness number as required by the e-Court Protocol; e) to undertake the legal coding of the witnesses pursuant to the 28 August 2006 Decision⁶; and f) to quality check all data for accuracy and consistency of all document types, dates and titles and "People" and "Organisations", and host attachment relationships for translations.⁷

Request for clarification

5. Additionally, the Prosecution seeks clarification on the following points:

- (i) The Prosecution proposes to provide meta-data relating to "Recipient Organisation" in relation to documents as it is not possible to separate this data from other correspondence parties.

- (ii) The Definition of a "Witness" for the purposes of the e-Court Protocol is one who will "testify in a hearing before the Court". The OTP proposes to broaden the scope of the definition of a "Witness" and provide details of witnesses who have provided statements the Prosecution intends to use for the purpose of the Confirmation Hearing.

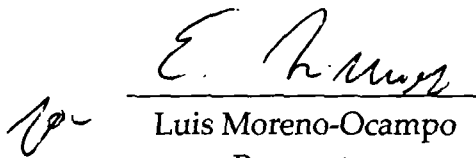
⁶ This legal coding has not previously been undertaken in the Ringtail system, or in any system.

⁷ As background information, the reason for this check is that the data entry of evidence is new to the Office of the Prosecutor (OTP) and quality control practices and general understanding of the systems take some time to develop. The OTP is undertaking these exercises carefully and intends to provide a high level of quality so far as the data it discloses; additionally objective metadata must be made consistent and meaningful in the context of the situation under investigation, and the measures to achieve this consistency and relevance are not yet complete.

- (iii) In relation to "Related to Witness" the OTP proposes to adopt the approach that any document that the witnesses comment on in their statements is one that is "Related to Witness."

Requests

6. Accordingly, the Prosecution requests the Single Judge:
- (i) to extend the deadline of Monday, 4 September 2006 to provide the requested data in relation to evidence other than witness statements to Thursday, 7 September 2006;⁸
 - (ii) to clarify the 28 August 2006 Decision in light of the Prosecution's observations under paragraph 5; and
 - (iii) to provide the list of incidents to be used for legal coding of documents and witnesses, as outlined in paragraph 4(iii)(b).


Luis Moreno-Ocampo
Prosecutor

Dated this 31st day of August 2006
At The Hague, The Netherlands

⁸ The Prosecution in addition refers to paragraph 4.