

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/10

Date: 10 October 2011

PRE-TRIAL CHAMBER I

Before: Judge Sanji Mmasenono Monageng, Presiding Judge
Judge Sylvia Steiner
Judge Cuno Tarfusser

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

**IN THE CASE OF
*THE PROSECUTOR v. CALLIXTE MBARUSHIMANA***

Public

**With confidential *Ex parte* Annexes 1 and 2
Prosecution and Defence only**

Third Registry Report on the assignment of EVD numbers to the list of documents to be used by the parties for the purposes of the confirmation hearing

Source: REGISTRAR

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

The Office of the Prosecutor

Mr. Luis Moreno Ocampo, Prosecutor
 Ms. Fatou Bensouda, Deputy Prosecutor
 Mr. Anton Steynberg, Senior Trial
 Lawyer

Counsel for the Defence

Mr. Nicholas Kaufman
 Ms. Yael Vias-Gvirsman

Legal Representatives of the Victims

Me Mayombo Kassongo
 Me Ghislain Mabanga

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

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
 Section**

Other

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

NOTING the “Resubmission of the Prosecution’s list of evidence in compliance with decision ICC-01/04-01/10-401” (“Prosecution’s List of Evidence”) submitted on 8 September 2011;¹

NOTING the “Defence Submission of an Updated List of Evidence” dated 9 September 2011 (“Defence’s List of Evidence”);²

NOTING the Chamber’s instruction by email dated 13 September 2011;³

NOTING the “Registry Report on the assignment of EVD numbers to the list of documents to be used by the parties for the purposes of the confirmation hearing” dated 15 September 2011 (“Registry’s Report”);⁴

NOTING that in the list of documents provided by the parties, several ERN numbers were either incorrectly referenced, duplicated, or there was a doubt in relation to the ERN reference provided;⁵

¹ ICC-01/04-01/10-403 with confidential annex 1 to 4 and public annex 5.

² ICC-01/04-01/10-405 with corrigendum of confidential annexe A.

³ See email exchange dated from 13 September 2011 between the Legal Officer of the Chamber and the Courtroom Officer in which both parties were on copy.

⁴ ICC-01/04-01/10-424 with confidential annexes 1 and 2.

⁵ Items 577, 578, 699, 719, 729, 730, 731, 732, 828, 844, 858, 990 of the Prosecution List of documents and items 5, 6, 9, 22, 23, 24, 34, 44, 47, 48, 94, 114, 132 of the Defence List of documents.

NOTING the email exchanges related to the questions on EVD numbers assigned to the list of documents provided by the parties on 22 September 2011;⁶

NOTING the “Second Registry Report on the assignment of EVD numbers to the list of documents to be used by the parties for the purposes of the confirmation hearing” dated 15 September 2011 (“Second Registry’s Report”);⁷

NOTING the email exchanges related to the subject “Witness charter - EVD numbers and redacted versions” dated 5 and 6 October 2011;⁸

NOTING rules 15 and 63(2) of the Rules of Procedure and Evidence; regulation 23*bis* of the Regulations of the Court; and regulations 28 and 53 of the Regulations of the Registry;

CONSIDERING that the Chamber instructed the Registry to assign EVD-PT numbers to the list of documents to be used for the purposes of the confirmation hearing;

CONSIDERING that due to the clarifications initially submitted by the parties on 22 September 2011 the assignment of EVD-PT references previously attributed had to be reviewed;

⁶ See email exchange dated from 22 September 2011 between the Courtroom Officer, Defence and Prosecution teams in which the Legal Officers from the chamber were on copy.

⁷ ICC-01/04-01/10-442 with confidential *ex parte* annexes 1 and 2.

⁸ See email exchange dated from 5 and 6 October 2011 between the Courtroom Officer, Defence and Prosecution teams in which the Legal Officers from the chamber were on copy.

CONSIDERING that due to further clarifications provided by the parties on 5 October 2011⁹ the assignment of EVD-PT references previously attributed had to be reviewed for a second time;¹⁰

CONSIDERING that the Chamber instructed the Registry on 5 October 2011 to review the assignment of EVD numbers to the items the Prosecution and Defence incorrectly referred in their respective lists;¹¹

CONSIDERING that EVD-PT references were attributed to the redacted version of those documents included in both Prosecution and Defence lists of evidence;

CONSIDERING that redacted versions of the documents are referenced in the Ecourt portal with the suffix "-R01" instead of the suffix "_R01";

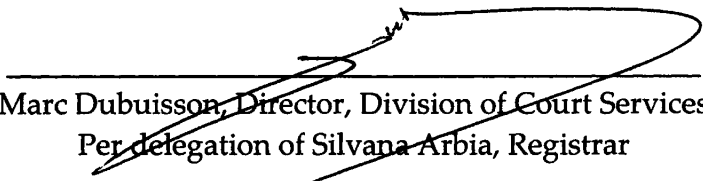
⁹ See in particular the email sent on 5 October 2011 at 4:27 pm by the Legal Assistant of the Defence team and the email sent on 5 October 2011 at 3:59 pm by the Legal Assistant of the Prosecution team..

¹⁰ The references reviewed are items 576, 594, 595, 596, 597, 642, 662, 663, 701, 710, 711, 712, 713, 715 and 723 of the Prosecution List of documents and items 48 and 55 of the Defence List of documents.

¹¹ See email dated from 5 October 2011 sent by the Legal Officer of the Chamber to the Courtroom Officer at 6:32 pm.

SUBMITS in confidential annexes 1 and 2 a table recapitulating the list of documents submitted by the parties and used for the purposes of the confirmation hearing including those corrected ERN numbers with the newly assigned EVD-PT numbers;

INFORMS the Chamber that annexes 1 and 2 to this report will be classified as confidential *ex parte* Prosecution and Defence only because the title of some of the documents in both annexes refer to confidential information.



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

Dated this 10 October 2011

At The Hague, The Netherlands