

**Cour  
Pénale  
Internationale**

**International  
Criminal  
Court**

No.: ICC-01/04

Date: 12 July 2005

Original: French

**PRE-TRIAL CHAMBER I**

**Before:** Judge Claude Jorda, Presiding Judge  
Judge Akua Kuenyehia  
Judge Sylvia Steiner

**Registrar:** Mr Bruno Cathala

**SITUATION IN THE DEMOCRATIC REPUBLIC OF CONGO**

**Public redacted version**

**Decision on the Request for an Extension of the Deadline**

[REDACTED]

[REDACTED]

**PRE-TRIAL CHAMBER I** of the International Criminal Court (“the Chamber” and “the Court” respectively);

**NOTING** the “Order Requesting Additional Information” issued by the Chamber on 27 May 2005 (“the Order”);

**NOTING** the “Response of [REDACTED] to the Order Requesting Additional Information” filed by [REDACTED] on 21 June 2005 (“the Response”);

**NOTING** the notification of the Registry of 21 June 2005 addressed to the Chamber stating that the Response had been filed with the Registry after the expiry of the ten-day deadline set by the Order;

**NOTING** the “Request for an Extension of the Deadline” filed by [REDACTED] on 23 June 2005 asking the Chamber for an extension of the deadline set by the Order;

**NOTING** the notification of the Order issued by the Registry on 9 June 2005 by e-mail;

**NOTING** that on 10 June 2005 the text of the Order sent by post was received by [REDACTED];

**NOTING** the Response received by the Registry on 21 June 2005;

**CONSIDERING** that, according to the Registry, referring to regulation 31(2) of the Regulations of the Court, [REDACTED] was notified of the Order on 9 June 2005, the day it was effectively sent by the Court; that, according to the Registry, the date of filing of a document with the Court is the date on which it is received by the Court and not the date on which it is sent by the participant; that consequently the Response of [REDACTED] should have been filed within ten days of 9 June 2005, that is, on 20 June 2005;

**CONSIDERING** that regulations 31 and 33 of the Regulations of the Court were drafted on the basis that an electronic system would make it possible for the Court to send, and for the person concerned to file, any public or confidential document electronically, and that the secure electronic transmission system is not yet in place and consequently not available for confidential documents;

**CONSIDERING** that at present and until further notice the method applicable to confidential documents is to transmit them by recorded delivery with acknowledgement of receipt or by DHL and that this method is provisionally applicable pending the establishment of a secure system;

**CONSIDERING** that the system provided for by regulation 31 of the Regulations of the Court, according to which a participant is deemed notified of a document on the day it is effectively sent from the Court by the Registry, is difficult to apply to confidential documents in the absence of the planned electronic system;

**CONSIDERING** that in the present circumstances the strict application of regulations 31 and 33 of the Regulations of the Court without the establishment of the system on which they are based penalises the person concerned, the time of transmission by post being unavoidably and unfairly included in the calculation of the applicable deadline;

**CONSIDERING** that in this context, pending the effective implementation of a secure system for the transmission of documents, it should be considered that, with respect to confidential documents:

- 1) a participant is deemed notified of a confidential document, decision or order on the day it is effectively received by post by the said participant;
- 2) the date of filing by a participant of a confidential document is understood to be the day the said document is sent, the postmark being authoritative;

**CONSIDERING** that the Response is a confidential document; that it was effectively received by post on 10 June 2005 by [REDACTED]; that the Response was filed with the Court on 21 June 2005; that in this case, taking into account the provisional system for confidential documents described above by the Chamber, the Response was to be sent to the Court by 21 June 2005 at the latest;

**CONSIDERING** consequently that the Response was filed within the deadline;

**FOR THESE REASONS,**

**AUTHORISES** the filing of the Response.

Done in both English and French, the French version being authoritative.

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**Judge Claude Jorda, Presiding Judge**

[signature]

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**Judge Akua Kuenyehia**

[signature]

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**Judge Sylvia Steiner**

[signature]

Dated this Tuesday 12 July 2005

At The Hague, The Netherlands