

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-01/04-01/06

Date: 12 May 2010

TRIAL CHAMBER I

Before: Judge Adrian Fulford, Presiding Judge
Judge Elizabeth Odio Benito
Judge René Blattmann

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

Public

Order on numbering of evidence

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

The Office of the Prosecutor

Mr Luis Moreno Ocampo

Ms Fatou Bensouda

Counsel for the Defence

Ms Catherine Mabilie

Mr Jean-Marie Biju Duval

Legal Representatives of the Victims

Mr Luc Walley

Mr Franck Mulenda

Ms Carine Bapita Buyangandu

Mr Joseph Keta Orwinyo

Mr Jean Chrysostome Mulamba

Nsokoloni

Mr Paul Kabongo Tshibangu

Mr Hervé Diakiese

Unrepresented Victims

Legal Representatives of the Applicants

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Ms Silvana Arbia

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

For the efficient administration of the record of the trial, pursuant to Article 64(10) of the Statute, bearing in mind the obligation of the Registrar to make, and preserve, a full and accurate record of all proceedings under Rule 137 of the Rules of Procedure and Evidence, and following consultations with the Registry, the Chamber adopts a revised procedure for the numbering of exhibits, and orders henceforth that:

1. General Numbering System

1. When introducing a document in court, it is the primary responsibility of the party tendering the item to request the assignment of a number and to specify the level of confidentiality (all evidence will be public unless there is an order specifying otherwise).
2. All exhibits will receive an EVD number, unless there is an objection, in which case the exhibit will be assigned an MFI number until the Chamber rules on the matter. The item will only be included as an exhibit in the case record if it receives an EVD number.
3. Once the testimony of a witness is complete (and ideally before the next witness is called), the Court Officer shall provide the Chamber with a list of items which only bear MFI numbers rather than EVD numbers, for which a ruling by the Chamber is outstanding. The Chamber will rule on their admissibility and whether they should be entered as exhibits in the case record on a regular basis, rather than compendiously at the end of the trial.
4. Henceforth, any new item that is to be entered into the case record as an exhibit will be assigned a chronological MFI or EVD number.

For example:

25 Jan 2010-EVD-D01-00001

25 Jan 2010-MFI-D01 00002

25 Jan 2010-MFI-D01-00003

25 Jan 2010-EVD-D01-00004

25 Jan 2010-MFI-D01-00005

5. At the relevant stage (*viz.* at end of the witness's testimony or later when the Chamber rules), the exhibits that the Chamber admits into evidence will be given an EVD number which corresponds to the MFI number. Thus, for example, MFI-D01-00002 will become EVD-D01-00002. Those not admitted will be removed from the record of the case.

2. Numbering of videos and video excerpts

6. If a video recording is submitted as evidence in its entirety, the entire recording will receive an EVD number, subject to any objections. If only a portion of a video recording is submitted as evidence, then the complete video will receive an MFI number and the portion (the extract) will receive a separate EVD number, unless there are objections, in which case the extract will receive a separate MFI number until the issue is determined by the Chamber.
7. It is the responsibility of the party or participant adducing a video excerpt into evidence to provide the precise extract that is relied on to CMS, with the necessary identifying information (i.e. the MFI or EVD number of the original video, and the precise time-references of the extract).

8. In the information provided by the party or participant, each extract needs (1) to be clearly linked to the original video and (2) to have clear and reliable time-references within the original video.
9. The MFI numbers of videos will be maintained until the end of the trial.

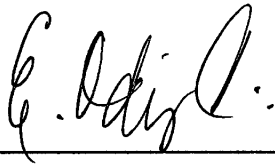
3. Previously assigned MFI numbers

10. Annexes 1, 2 and 3 to this order list exhibits bearing MFI numbers that have been introduced in the course of the trial by the prosecution, the defence and the legal representatives respectively.
11. The parties and participants are instructed to review the exhibits and to file objections to the admission into evidence of any of them by 28 May 2010.
12. Whenever the parties and participants do not oppose the introduction of an exhibit, it will automatically be admitted and it will receive an EVD number.
13. The Chamber will rule on any objections that are raised to the introduction of items into the case record as exhibits. In the result, items assigned EVD numbers will form part of the case record, whilst the remainder will be removed, leaving the record free of any MFI numbers, excepting videos.

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



Judge Adrian Fulford



Judge Elizabeth Odio Benito



Judge René Blattmann

Dated this 12 May 2010

At The Hague, The Netherlands