

ANNEX 28

Public Redacted

Version

trialchamber [REDACTED]

26/08/2026 12:51

[ICC-01/21-01/25 - Confidential] Order regarding the Prosecution and the Defence's emails concerning NUIX and E-Court Protocol

To OTP [REDACTED]
 D36 Duterte [REDACTED] cms [REDACTED] Copy
 V50 LRV Team [REDACTED]
 Associate Legal Officer [REDACTED] nt> •
 TrialChamber [REDACTED]

Dear Counsel,
 Dear colleagues,

Noting the Prosecution and the Defence's emails regarding the creation of a supplementary metadata field in NUIX and upcoming request for amendments to the E-Court Protocol, the Chamber hereby orders the Prosecution, the Defence and the Registry to liaise on the matter and to make formal submission(s), jointly to the extent possible, by 31 August 2026.

Kind regards,
 Trial Chamber III

On 26/08/2026 09:25 CEST Paolina Massidda [REDACTED] wrote:

Dear Trial Chamber III,
 Dear All,
 The CLRV have no objection to the proposed addition of a URL metadata field.

On the issue raised by the Defence, the CLRV will present their position following the filing of the motion.

Kind regards,
 Paolina Massidda

On 25/08/2026 15:54 CEST Alexandre Desevedavy <[REDACTED]> wrote:

Dear Trial Chamber III,
 Dear Parties and Participants,

The Defence understood that this request would be filed as a formal request to amend the E-Court Protocol. Nevertheless, while it has no objection to the addition of a URL metadata field, the Defence notes that this is a wholly insufficient measure to authenticate open source material. The fact that a piece of information was sourced from the open web says nothing about its authenticity and reliability.

It has also recently come to the Defence's attention that some materials received via OTPLink have been classified as "open source" in the disclosure. In an environment replete with online misinformation, it is all the more pressing that evidence be properly authenticated by the tendering party prior to its submission.

For these reasons, the Defence intends to propose an amendment to the E-Court Protocol, to the effect that all open source material must be authenticated through an expert, as suggested by Her Honour Judge Korner in the first status conference. We will also propose that this measure should apply to all forms of user-generated evidence, including material from OTPLink and screenshots of text messages, where the source is unavailable to testify. The Defence intends to file this motion by 31 August 2026, pursuant to Rule 134.

Kind regards,

On behalf of the Duterte Defence

On 25/08/2026 15:00 CEST James Miriti [REDACTED] wrote:

Dear Trial Chamber III,
Dear Parties and Participants,

We are writing to seek approval for the creation of a supplementary field to support the review and verification of Open Source evidence in the Duterte case.

To assist with this, we request the creation of a separate **Web URL** field, outside of the existing protocol fields, in Nuix Discover (JEM). This field would allow the URL captured during the collection to be easily associated with the relevant evidence for review purposes.

The proposed field would be supplementary to the evidence and would not alter or amend the existing protocol. Rather, it would provide an additional reference point for the parties and participants, enabling them to more readily verify the source and context of Open Source material where relevant.

Having this information available in a structured field would provide a useful practical aid during evidence review, particularly in identifying the source of Open Source material. The Defence have advised that they do not oppose the addition of the proposed field.

We would therefore be grateful for Chambers' consideration and approval to create this supplementary field in JEM, without any amendment to the existing protocol.

Should the Chamber approve, we will liaise with CMS to implement this new field in JEM.

We thank you for your kind consideration of this request.

Best regards

Paolina MASSIDDA

Principal Counsel - Conseil principal

Office of Public Counsel for Victims - Bureau du Conseil public pour les victimes

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- Part_2.png (22 KB)