

**ANNEX 12**  
**PUBLIC**

[REDACTED]

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**From:** Trial Chamber V Communications  
**Sent:** 30 March 2021 16:48  
**To:** OTP CAR IIB Managers; OTP CAR IIB Case Management; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team  
**Cc:** Trial Chamber V Communications; Chamber Decisions Communication; Associate Legal Officer-Court Officer  
**Subject:** FW: Update - Hard copy binders/digital list of material

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Yekatom and Ngaissona

Dear counsel,

While the digital binders/lists of material are much appreciated by the Chamber, the experience during the 1<sup>st</sup> evidentiary block has shown that these lists can unfortunately not substitute the hard copy binders.

Accordingly, the Presiding Judge orders the Prosecution to additionally provide two hard copy binders for the benefit of the Chamber (see ICC-01/14-01/18-631, para. 43) as of the 2<sup>nd</sup> evidentiary block.

Kind regards, TC V

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**From:** Trial Chamber V Communications [REDACTED]  
**Sent:** 05 March 2021 18:59  
**To:** [REDACTED] Trial Chamber V Communications [REDACTED]  
**Cc:** D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; V44 LRV Team [REDACTED] V45 LRV Team [REDACTED] OTP CAR IIB Case Management <[REDACTED]> OTP CAR IIB Operations [REDACTED]; Chamber Decisions Communication [REDACTED]  
**Subject:** RE: ICC-01/14-01/18 - Substitution of Hard Copy Binders

Dear counsel,

The Presiding Judge has considered the proposals made by the Prosecution regarding the substitution of hard-copy binders (as per the Initial Directions on the Conduct of the Proceedings, ICC-01/14-01/18-631, para. 43) with 'electronic binders'.

The Presiding Judge considers that the creation of electronic binders in Ecourt (organised per witness) and adding a 'Court Binder' meta-data field appear to be a suitable option.

For transparency and to properly record the content of these electronic binders, the Presiding Judge further instructs the Prosecution to send per email a document listing the material contained in the relevant electronic witness binder on Ecourt to the Chamber and participants, as part of its communication pursuant to ICC-01/14-01/18-631, para. 41. This document can either be provided in form of an Ecourt Report or a List of Documents PDF as proposed in the Prosecution's first email, as long as it contains (i) hyperlinks to the relevant material and (ii) information on the following: tab, document ID, title/description, type, relevant passages to be used, intention to tender as evidence, information on Rule 68(3).

The Presiding Judge reserves his right to amend this direction, should the suggested system prove inconvenient in practice.

Kind regards, TC V

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**From:** [REDACTED]  
**Sent:** 03 March 2021 19:29  
**To:** Trial Chamber V Communications [REDACTED]  
**Cc:** D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; V44 LRV Team [REDACTED]; V45 LRV Team [REDACTED]; OTP CAR IIB Case Management [REDACTED]; OTP CAR IIB Operations [REDACTED]  
**Subject:** RE: ICC-01/14-01/18 - Substitution of Hard Copy Binders

Dear Trial Chamber V,

Dear All,

In addition to providing the hyperlinked lists of documents mentioned in the e-mail below, the Prosecution proposes to also create electronic binders in eCourt (per trial witness), or to provide additional 'Court Binder' (CB) meta-data. The Prosecution understands that the creation of a significant number of binders may create technical complications. A solution thereto would consist in adding 'Court Binder' (CB) meta-data to the group of documents that the party or participant intends to use with a particular trial witness.

Both solutions allow the eCourt users to select automatically (in one effort) the group of documents intended to be used with a particular trial witness (i.e., either by selecting the binder concerned, or by searching on the new 'Court Binder' meta-data field). Subsequently, and once selected, the eCourt user could:

- **Batch print** all the documents (i.e. in one effort);
- Create **hyperlinked reports**, which can be sorted on any of the available meta-data fields, including on the doc ID (or ERN number) or on the 'tab-number' (through a newly created, temporary, meta-data field); and
- **Update the group** of documents with particular meta-data in one effort (through the **mass-add** function), for example to create sub-binders, to create new binders, or to attach particular decisions.

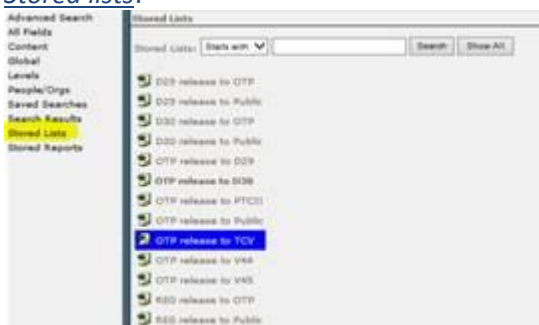
Below we have added some print-screens to illustrate the proposal. It should be noted however that not all eCourt users have the same functionality of eCourt (in respect of the stored lists, the batch print, and the mass add functions for example).

We remain of course at the Chamber's disposal for any further clarifications.

Kind regards,

On behalf of Kweku Vanderpuye

Stored lists:



Adding Court Binder meta-data per witness

The screenshot shows the 'Advanced Search' window. The 'Field' dropdown is set to 'CB OTP - PICK'. The 'Operator' section has several radio button options: 'Equal To' (selected), 'Not Equal To', 'Starts With', 'Like', 'Greater or Equal To', 'Less or Equal To', 'Between', 'Not Between', 'Select All', and 'Is Null'. The 'Value' field contains a list of identifiers: MLJ-OTP-P-0281, MLJ-OTP-P-0114, MLJ-OTP-P-0180, MLJ-OTP-P-0481, MLJ-OTP-P-0554, MLJ-OTP-P-0595, MLJ-OTP-P-0654, and MLJ-OTP-P-0954. There are 'And' and 'Or' buttons for combining search criteria.

Batch Print:

The screenshot shows a 'Search Results' table with columns for 'All', 'Doc ID', 'Type', and 'Main Date'. The results are as follows:

All	Doc ID	Type	Main Date
1	CAR-OTP-2131-0271	Financial document - Invoice	11-Dec-2013
2	CAR-OTP-2131-0268	Financial document - Other	17-Oct-2013
3	CAR-OTP-2131-0266	Financial document - Bank record	1-Oct-2013
4	CAR-OTP-2131-0186	Financial document - Invoice	22-Aug-2013
5	CAR-OTP-2130-2679	List / table	

Create reports:

The screenshot shows a 'Search Results' table with columns for 'All', 'Doc ID', 'Type', and 'Main Date'. The results are as follows:

All	Doc ID	Type	Main Date
2	CAR-030-0001-0002	Audio / Video Material	
3	CAR-030-0001-0003	Photography's	
4	CAR-030-0001-0009	Correspondence - Letter	
5	CAR-030-0001-0021	Correspondence - Letter	
6	CAR-030-0001-0022	Correspondence - Letter	
7	CAR-030-0001-0023	Correspondence - Letter	
8	CAR-030-0001-0024	Correspondence (internal memorandum)	

Example of the tab order:

The screenshot shows the 'Advanced Search' window with a list of fields and operators. The 'Field' dropdown is set to 'Attachment - YES/NO'. The 'Operator' dropdown is set to 'Source - YES/NO'. The 'Value' field contains a list of identifiers: Application reference - TEXT, Basis of Confidentiality - PICK, CB D28 - PICK, CB D28 - 01 - NUMB, CB D28 - 02 - NUMB, CB D28 - 03 - NUMB, CB D28 - 04 - NUMB, CB D28 - 05 - NUMB, CB D28 - 06 - NUMB, CB D28 - 07 - NUMB, CB D28 - 08 - NUMB, CB D28 - 09 - NUMB, CB D28 - 10 - NUMB, CB OTP - PICK, CB OTP - 01 - NUMB, CB OTP - 02 - NUMB, CB OTP - 03 - NUMB, CB OTP - 04 - NUMB, CB OTP - 05 - NUMB, CB OTP - 06 - NUMB, CB OTP - 07 - NUMB, CB OTP - 08 - NUMB, CB OTP - 09 - NUMB, CB OTP - 10 - NUMB, and Chain of Custody - TEXT.

Mass add function:

The screenshot shows the 'Mass ADD' function interface. The 'Selections' pane on the left lists various document types and their counts. The 'Mass ADD' pane on the right has a 'Checked or All Documents' section with radio buttons for 'Checked' (selected) and 'All - Most'. Below this is the 'Source/Attachments' section with a checked 'Include' box. The 'Target Collection' section lists 'Issues', 'Stored Lists', 'Chronologies', and 'Field Values'. The 'Narrow Frame Options' section has a 'Checked or All Documents' section with radio buttons for 'Checked' (selected) and 'All'.

The 'Mass ADD Help' pane on the right contains the following text:

**Overview**

Mass Add or Mass Delete allow you to add/delete field values from those documents or add/delete those documents to or from selected Issues, Stored Lists, Unlocked Productions or Chronologies.

The interface is made up of 2 frames

- A narrow frame on the left used for selecting from a list of options
- A wide frame on the right used for running a particular Mass Add or Delete

**Narrow Frame Options**

**Checked or All Documents**

Choose whether to perform an action on only the documents that have been checked or on all documents returned by your query.

- Click the Checked radio button to select only checked documents
- Click the All radio button to select all documents returned by your query

**Note.** This option is only available if you have checked documents in your query.

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**From:** [REDACTED]  
**Sent:** mercredi 3 mars 2021 13:28  
**To:** Trial Chamber V Communications [REDACTED]  
**Cc:** 'D29 Yekatom Defence Team' [REDACTED]; 'D30 Ngaissona Defence Team'  
<[REDACTED]>; V44 LRV Team OPCV [REDACTED]; 'V44 LRV Team'  
<[REDACTED]>; V45 LRV Team [REDACTED]; OTP CAR IIB Case Management  
<[REDACTED]>; OTP CAR IIB Operations <[REDACTED]>  
**Subject:** ICC-01/14-01/18 - Substitution of Hard Copy Binders

Dear Trial Chamber V,

Dear All,

Further to our remark on 16 February 2021 at the commencement of trial concerning the requirement of the Initial Directions on the Conduct of Proceedings ((ICC-01/14-01/18-631, para. 43) to provide hard-copy binders containing documents intended to be used with trial witnesses (see ICC-01/14-01/18-T-014-ENG ET, Ins. 4-12), the Prosecution requests the Chamber's authorisation to instead provide hyperlinked lists of documents, given the particular circumstances of this case and the serious and burdensome resource implications of proceeding otherwise. Two model Lists of Documents are attached for the Chamber's consideration.

We understand that certain difficulties arose in the Al Hassan case, and a solution was reached by organising electronic binders in eCourt. Here, we propose a hyperlinked List of Documents. While it does not have the advantage of being able to print off all the documents in such a list in one go (or 'batch printing' as can be done with an eCourt binder), it has the benefit of simplicity, and a far more straightforward and familiar means of use. The Prosecution estimates that proceeding in the manner proposed would preserve limited resources which might otherwise be required to (re)produce and assemble in excess of 3-400 binders during the course of trial.

The hyperlinking of material in eCourt is an established standard regarding a variety of major instruments, including DCCs, Pre-Confirmation Briefs, Trial Briefs, Appeals, etc. It has been used effectively and reliably over many cases and many years. Thus, we consider this mechanism ideally fit for purpose in this circumstance, and it can reliably obviate the need to produce physical binders, barring exceptional circumstances, while fully accommodating the Chamber's and the Parties' and Participant's ability fully to access listed documents in eCourt during the trial proceedings easily and contemporaneously.

While the attached examples are in a form nearly identical to that used before Trial Chamber VII, should the Chamber consider that certain format changes may be more helpful in this case, we believe that these may be readily implemented.

The Chamber's consideration is very much appreciated. Thank you.

Kind regards,

On behalf of Kweku Vanderpuye