

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-02/09

Date: 26 March 2010

PRE-TRIAL CHAMBER I

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN DARFUR, SUDAN

**IN THE CASE OF
*THE PROSECUTOR v. BAHAR IDRIS ABU GARDA***

Public Document

Registry report on the circumstances surrounding the submission of the "Eléments de réponse et observations sur la requête de l'accusation demandant l'autorisation de faire appel" by Me Cissé

Source: The Registry

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

Mr Essa Faal

Counsel for the Defence

Mr Karin A.A. Khan

Mr Andrew J. Burrow

Legal Representatives of the Victims

Mr Brahim Koné

Ms Hélène Cissé

Mr Akin Akinbote

Mr Frank Adaka

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

Ms Silvana Arbia

Deputy Registrar

Mr 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 “Eléments de réponse et observations sur la requête de l’accusation demandant l’autorisation de faire appel” dated 18 March 2010 and registered in the case file on 23 March 2010¹ ;

NOTING the “Decision requesting clarification on submission of response by Legal Representative of Victims” (the Decision”) issued by the Single Judge on 24 March 2010²;

NOTING rule 15 of the Rules of Procedure and Evidence, regulations 23 *bis*, 31 and 33 of the Regulations of the Court;

CONSIDERING that in his Decision the Single Judge ordered the Registrar to submit “a report recounting and explaining, to the extent of [her] knowledge, the circumstances surrounding the submission of the Response by the Legal Representative”;

CONSIDERING that the annexes attached to the current document contain the identity of several staff members of the Court and participants to the proceeding and therefore should be classified confidential;

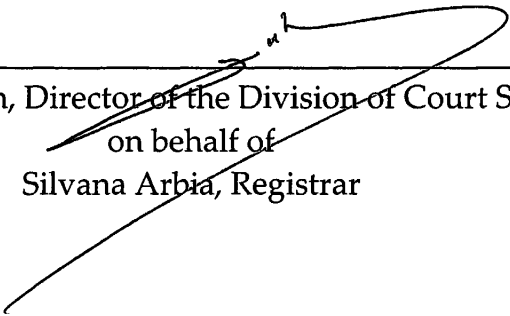
¹ ICC-02/05-02/09-257-conf (the document initially filed as public has been reclassified pursuant to Pre-Trial Chamber I instruction on 23 March 2010)

² ICC-02/05-02/09-259

RESPECTFULLY SUBMITS the following report:

- On 22 March 2010 at 16.13, the Court Management Section (the “CMS”) received an e-mail from Me Hélène Cissé containing a written submission in a PDF format entitled “Eléments de réponse et observations sur la requête de l’accusation demandant l’autorisation de faire appel” (see annex 1) ;
- In this e-mail the legal representative stated that the same document had already been sent to the Court Management-Court Records inbox on 19 March;
- The Court Management-Court Records inbox was checked but it appears that CMS did not receive such an e-mail on 19 March 2010;
- CMS answered to the legal representative that the document was not received on 19 March 2010 and that her document will be filed the day after (see annex 1);
- The Chamber has been informed accordingly on 22 March 2010 at 17.00 (see annex 2);
- The document was filed on 23 March 2010 (see annex 3).

- IT services further confirm the following: it appears that on Friday 19 March, no errors were reported and no system outages occurred; the inbox of the Court Management Section Court records office successfully received 103 emails on that day, none of which was received from the legal representative's e-mail address.



Marc Dubuisson, Director of the Division of Court Services
on behalf of
Silvana Arbia, Registrar

Dated this 26 March 2010

At The Hague, the Netherlands