



International Tribunal for the  
Prosecution of Persons  
Responsible for Serious Violations of  
International Humanitarian Law  
Committed in the Territory of the  
former Yugoslavia since 1991

IT/280

Date: 16 February 2015

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**DIRECTIVE ON JUDICIAL RECORDS**

**IT/280**

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## PREAMBLE

I, the Registrar of the International Criminal Tribunal for the former Yugoslavia (“Tribunal”),

**CONSIDERING** the Statute of the Tribunal as adopted by the Security Council under Resolution 827 (1993) of 25 May 1993, and subsequently amended, and in particular Article 17 thereof;

**CONSIDERING** the Rules of Procedure and Evidence as adopted by the Tribunal on 11 February 1994, and subsequently amended, and in particular Rules 36 and 81 thereof;

**CONSIDERING** the Directive for the Registry Judicial Department, Court Management and Support Services as adopted on 1 March 1997, and subsequently amended and renamed into the Directive for the Court Management and Support Services Section, Judicial Support Services, Registry (“CMSS Directive”);

**CONSIDERING** structural and operational changes within the Registry’s Judicial Support Services Division;

**HAVING CONSULTED** the President of the Tribunal;

**HEREBY ISSUE** the Directive on Judicial Records, and **RESCIND** the CMSS Directive.



John Hocking  
Registrar

Dated this 16<sup>th</sup> day of February 2015  
At The Hague,  
The Netherlands.

## **PART I: GENERAL PROVISIONS**

### **Article 1 Entry into Force**

This Directive shall enter into force on 17 February 2015.

### **Article 2 Amendments**

The Registrar may amend the Directive in consultation with the President.

### **Article 3 Definitions**

1. In the Directive the masculine shall include the feminine, the singular the plural, and vice-versa.

2. For the purposes of the Directive, the following terms shall mean:

**Audio/Video Recordings:** Audio and audio-video recordings of a court hearing or other proceedings before the Tribunal made and preserved pursuant to Rule 81 of the Rules;

**Audio/Video Recordings and Exhibits Office:** Office within the Judicial Records Unit responsible for the administration of Audio/Video Recordings and, upon completion of a trial, Exhibits;

**Case File:** All Filings related to a case before the Tribunal;

**Case Number:** A number assigned by the Registry to each case before the Tribunal;

**Case Record:** The record of a case containing, *inter alia*, the Case File, Exhibits, Transcripts, and Audio/Video Recordings of the proceedings;

**Chamber(s):** Trial Chamber(s) and/or Appeals Chamber of the Tribunal, as appropriate and unless indicated otherwise;

**CLSS:** Conference and Language Services Section of the Registry;

**CMSS:** Court Management and Support Services Section of the Registry (ceased to exist on 28 February 2014);

**Confidential:** The designation applicable to records and information whose unauthorised disclosure could reasonably be expected to cause damage to the work of the United Nations;

**Confidential Ex Parte Designation:** The designation applicable to Confidential records for which access has been restricted to exclude certain parties to the judicial process;

**Court Officer:** Staff member of the Courtroom Operations Unit representing the Registrar during the proceedings;

**Court Records Office:** Office within the Judicial Records Unit responsible for the administration of Filings;

**Courtroom Operations Unit:** Unit within CSSS responsible for courtroom operations and administration of Exhibits in ongoing proceedings;

**CSSS:** Court Support Services Section of the Registry;

**Defence:** Counsel representing a suspect, an accused or a detainee pursuant to Rules 44, 45, 45*bis* or 45*ter* of the Rules of Procedure and Evidence, self-represented accused, and persons assigned, appointed, or approved by the Registrar to assist counsel or self-represented accused;

**Directive:** This Directive on Judicial Records, IT/280;

**eCourt:** The Electronic Court Management System;

**eCourt Direction:** Provisional Practice Direction on the Application of an Electronic Court Management System, IT/239, as subsequently amended;

**Exhibit:** A record formally admitted into evidence by the Chamber;

**Filing:** A record submitted by a Submitting Party and entered in the Case File by the Court Records Office;

**Instructions for Electronic Filing:** A public memorandum issued by the Chief of CMSS on 15 June 2007 providing guidelines on how to submit a record for electronic filing;

**Internal Guidelines for Sensitive Filings:** A public CMSS document setting out the procedure to be followed for filing a sensitive record, as adopted on 12 August 2008 and subsequently amended;

**ITSS:** Information Technology Support Services Section of the Registry;

**Judge:** The President, Judge or Duty Judge, as appropriate and unless indicated otherwise;

**Judicial Database (JDB):** A searchable database containing digital versions of Judicial Records;

**Judicial Records:** Collectively, all Case Records, as defined in the SGB, at paragraph 4.2(a): “records which form part of the official case records of the Criminal Tribunals, including, but not limited to, filings made in the cases, transcripts, audio and video recordings of hearings and exhibits admitted in the cases”;

- Judicial Records Unit:** Unit of the Registry comprising the Court Records Office, Audio/Video Recordings and Exhibits Office and Transcript Coordinators Office;
- MARS:** Archives and Records Section of the Registry of the Mechanism for International Criminal Tribunals;
- Non-Party:** The Registrar or his designee, when submitting a Filing before the Chamber or a Judge, or any other entity authorised by the Chamber or a Judge or pursuant to the Rules to file records in a case before the Tribunal, including *Amicus Curiae*, other individuals, organisations and States;
- Party:** The Prosecutor or the Defence;
- President:** The President of the Tribunal, elected pursuant to Article 14(1) of the Statute;
- Prosecutor:** The Prosecutor of the Tribunal, appointed pursuant to Article 16(4) of the Statute;
- Registrar:** The Registrar of the Tribunal, appointed pursuant to Article 17(3) of the Statute;
- Registry:** An organ of the Tribunal established by Article 11 of the Statute;
- Rules:** The Rules of Procedure and Evidence of the Tribunal, IT/32, as subsequently amended;
- Security Classification Level:** The security level assigned to records, to prevent unauthorised disclosure of Confidential or Strictly Confidential information, pursuant to the SGB;
- Sensitive Filing:** A Confidential or Strictly Confidential Filing, including with *Ex Parte* Designation, if any, which, due to the particular sensitivity of the matter or information contained therein, has restricted distribution, is temporarily not stored on the JDB, and is entered in the Case File and distributed only in hard copy to specifically named recipients;
- SGB:** Secretary-General's bulletin International Criminal Tribunals: information sensitivity, classification, handling and access, ST/SGB/2012/3;
- Statute:** The Statute of the Tribunal adopted by the Security Council under Resolution 827 (1993) of 25 May 1993, as subsequently amended;
- Strictly Confidential:** The designation applicable to records and information whose unauthorised disclosure could reasonably be expected to cause exceptionally grave damage to or impede the conduct of the work of the United Nations;
- Strictly Confidential *Ex Parte* Designation:** The designation applicable to Strictly Confidential records for which access has been restricted to exclude certain parties to the judicial process;

**Submitting Party:** A Chamber, Judge, Party, or Non-Party when submitting a record for filing pursuant to Article 15 of the Directive;

**Transcript:** A verbatim, written record of a court hearing or other proceedings before the Tribunal made and preserved pursuant to Rule 81 of the Rules;

**Transcript Coordinators Office:** Office within the Judicial Records Unit responsible for the administration of Transcripts;

**Tribunal:** The International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the former Yugoslavia since 1991, established pursuant to Security Council Resolution 827 of 25 May 1993; and

**Unclassified:** The designation applicable to records whose unauthorised disclosure could reasonably be expected not to cause damage to the work of the United Nations.

#### **Article 4 Responsibility for Judicial Records**

MARS, with support from CSSS and ITSS, shall be responsible for managing and providing access to the Judicial Records, in accordance with the Statute and the Rules, as well as any other rules or regulations adopted by the Tribunal, any judicial order, the SGB and other United Nations policies on record-keeping.

#### **Article 5 Case Number**

1. The Court Records Office shall assign a unique Case Number to each case before the Tribunal. The Case Number consists of three components, *e.g.* IT-06-33:

<b>IT</b>	=	International Tribunal;
<b>06</b>	=	Calendar year the case was initiated before the Tribunal; and
<b>33</b>	=	Sequential number of the case.

2. The following symbols, *inter alia*, shall be added after the Case Number to identify the stage or type of proceedings:

The number indicating the severance of an accused:

<b>/1</b>	=	In case of the severance of an accused from other accused on the same indictment, <i>e.g.</i> <u>IT-06-33/1</u> .
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The letters indicating the stage of the proceedings:

<b>A</b>	=	<b>Appeal:</b> From the filing of a first notice of appeal pursuant to Rule 108 of the Rules (or a related motion, <i>e.g.</i> motion for the extension of time to file the notice of appeal), to the judgement
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		on appeal pursuant to Rule 117 of the Rules. For appeals of proceedings designated by specific Rules, an “A” should appear before the suffix indicating the Rule (see below);
<b>Bis-PT</b>	=	<b>Pre-trial in re-trial proceedings under Rule 117(C) of the Rules:</b> from the first record entered in the Case File concerning the pre-trial stage of the re-trial until the first re-trial hearing ( <i>e.g.</i> opening statements) or sentencing proceedings pursuant to Rule 100 of the Rules;
<b>Bis-T</b>	=	<b>Trial in re-trial proceedings under Rule 117(C) of the Rules:</b> from the first re-trial hearing until the judgement or sentencing proceedings pursuant to Rule 100 of the Rules;
<b>D</b>	=	<b>Deferral:</b> From the filing of an application for deferral to the decision on the application pursuant to Rule 9 of the Rules;
<b>ES</b>	=	<b>Enforcement of Sentence:</b> For proceedings concerning the enforcement of a sentence from the date the judgement becomes final;
<b>I</b>	=	<b>Indictment/investigation:</b> From the filing of the indictment pursuant to Rule 47 of the Rules until a plea is entered pursuant to Rule 62 of the Rules, <i>e.g.</i> <b>IT-06-33-I</b> ;
<b>Misc.</b>	=	<b>Miscellaneous:</b> For miscellaneous proceedings.
<b>PT</b>	=	<b>Pre-trial:</b> From the day a plea is entered pursuant to Rule 62 of the Rules until either the first trial hearing ( <i>e.g.</i> opening statements), or sentencing proceedings pursuant to Rule 100 of the Rules. In a case with multiple accused, a record concerning any accused for whom a plea is not entered is entered in the Case File under the letter I, whereas the records concerning those accused for whom a plea is entered are marked PT;
<b>R</b>	=	<b>Review:</b> From the filing of a request for review pursuant to Rule 119 of the Rules, until the decision on review or further judgement pursuant to Rule 120 of the Rules;
<b>S</b>	=	<b>Sentencing:</b> After the Chamber has entered a finding of guilt upon a guilty plea pursuant to Rule 62 <i>bis</i> of the Rules;
<b>T</b>	=	<b>Trial:</b> From the first trial hearing until judgement or sentencing proceedings pursuant to Rule 100 of the Rules;

The letters and numbers indicating separate proceedings within a case with a reference to the relevant Rule:

<b>AR11<i>bis</i></b>	=	An appeal of a referral decision pursuant to Rule 11 <i>bis</i> of the Rules;
<b>AR54<i>bis</i></b>	=	An interlocutory appeal of a Chamber’s decision pursuant to Rule 54 <i>bis</i> of the Rules;
<b>AR65</b>	=	An interlocutory appeal of a Chamber’s decision on provisional release pursuant to Rule 65 of the Rules;
<b>AR72</b>	=	An interlocutory appeal of a Chamber’s decision on a preliminary motion pursuant to Rule 72 of the Rules;
<b>AR73</b>	=	An interlocutory appeal of a Chamber’s decision on motions other than preliminary motions pursuant to Rule 73 of the Rules;
<b>AR77</b>	=	An interlocutory appeal of a Chamber’s decision on contempt proceedings pursuant to Rule 77 of the Rules;

- AR108bis** = An interlocutory appeal of a Chamber’s decision in respect of a State request for review pursuant to Rule 108bis of the Rules;
- R61** = Proceedings in case of failure to execute an arrest warrant pursuant to Rule 61 of the Rules, *e.g.* IT-06-33-R61;
- R75G** = Proceedings initiated by an application to rescind, vary or augment protective measures pursuant to Rule 75(G) of the Rules;
- R75H** = Proceedings initiated by an application to rescind, vary or augment protective measures pursuant to Rule 75(H) of the Rules;
- R77** = Contempt proceedings pursuant to Rule 77 of the Rules;
- R91** = Proceedings for false testimony under solemn declaration pursuant to Rule 91 of the Rules.

Chronological order:

- .1** = Should several interlocutory appeals or applications pursuant to the same rule or miscellaneous matters be filed, regardless of which Party has filed it, or several proceedings pursuant to the same rule be brought, a number indicating the chronological order of the appeal, application, matter or proceedings will be added at the end of the Case Number, *e.g.* IT-06-33-AR73.1, IT-06-33-R75H.10, IT-06-33-Misc.3, IT-06-33-R77.1, IT-06-33-ES.2.

**Article 6**  
**Classification of Judicial Records**

1. The Security Classification Levels of Judicial Records are dealt with in Section 5 of the SGB.
2. Notwithstanding these Security Classification Levels, in line with the Tribunal’s practice, the following markings may be used: “public” and “open session” for Unclassified Judicial Records; “under seal”, “private session” and “closed session” for Confidential or Strictly Confidential Judicial Records.

**Article 7**  
**Changes in Classification**

1. As recognised by Section 6.1 of the SGB, changes to the Security Classification Levels of Judicial Records shall be effected only after judicial authorisation or as otherwise provided for by the applicable Rules.
2. Notwithstanding the provisions of paragraph 1 of this Article, where the Submitting Party has erroneously identified the Security Classification Level of a record as public and the record has been entered in the Case File accordingly, the Submitting Party shall file a notification of the error and request the Court Records Office to mark the erroneous Filing as Confidential or Strictly Confidential. Article 17 of this Directive shall apply to any such notification.

3. The provisions of paragraph 2 of this Article also apply if the Submitting Party has erroneously omitted to identify and indicate an *Ex Parte* Designation on the record submitted for filing.

### **Article 8** **Access to the Judicial Records**

1. The Chamber, Judge and Parties to a case shall have access to the full Case Record through the JDB, subject to any access restrictions stemming from an *Ex Parte* Designation. In cases where a record is not available through the JDB, a request for access shall be submitted to the Judicial Records Unit. The Judicial Records Unit shall ensure access to such records during normal business hours, subject to any access restrictions stemming from an *Ex Parte* Designation.
2. The public shall have access to Unclassified Judicial Records subject to any order by the Chamber or a Judge. This access shall be free of charge, subject to the provisions of Article 11 of the Directive. The Judicial Records Unit shall ensure reasonable access to physical Unclassified Judicial Records, including Audio/Video Recordings, during normal business hours, upon request. The Judicial Records Unit shall ensure remote access, through the Tribunal's online database (accessible at <http://icr.icty.org>) to Unclassified Judicial Records.
3. Confidential and Strictly Confidential Judicial Records, including those with an *Ex Parte* Designation, shall be maintained in secure records repositories, and shall not be accessible to the public and/or the excluded Party(ies) unless otherwise ordered by a Chamber or a Judge.
4. MARS shall have control of and monitor access to secure records repositories. Authorised persons who take temporary custody of any record must ensure that: (i) such record remains secured while in their custody; and (ii) the Security Classification Level, including an *Ex Parte* Designation, is respected.

### **Article 9** **Judicial Database Record Book**

The JDB constitutes the Record Book for each case, as required by Rule 36 of the Rules. This Record Book is the successor to the physical Record Book.

### **Article 10** **Certified Copies**

1. Certified copies of Judicial Records must bear the stamp of the Tribunal and the signature of the Registrar or his designee. Copies certified pursuant to this Article shall be regarded as an exact and unaltered reproduction of the original.
2. The Registrar may utilise digital certificate and signature to certify copies of Judicial Records.

**Article 11**  
**Registry Fees**

1. The Registrar may establish and impose reasonable fees or conditions for Judicial Records services, including for the provision of certified copies of Judicial Records. A description and schedule of fees for preparing certified copies of Judicial Records is attached in the Annex to the Directive.
2. Upon written request, fees for such services may be waived, for good cause and at the discretion of the Registrar.

**PART II: FILINGS**

**Article 12**  
**General Provision**

Records are considered officially entered in the Case File when received and registered by the Court Records Office in accordance with Article 21 of this Directive.

**Article 13**  
**Case File Opening**

1. The Court Records Office shall open a new Case File upon receipt of:
  - (i) an application for deferral pursuant to Rule 9 of the Rules;
  - (ii) an indictment submitted pursuant to Rules 47, 77 or 91 of the Rules;
  - (iii) an order for re-trial issued by the Appeals Chamber pursuant to Rule 117(C) of the Rules; and
  - (iv) any other application that does not relate to a pre-existing case.
2. A decision pursuant to Rule 48 of the Rules will result in the assignment of a new Case Number but does not result in the opening of a new Case File as defined under the Directive.
3. Only one Case File shall be opened and maintained for each new case, regardless of the number of accused that are joined in a single indictment. If the Chamber orders separate trials for the accused named in the indictment, the Registrar shall instruct the Court Records Office to sever the initial Case File and assign new Case Number(s), in line with the Chamber's order.
4. Where a physical Case File, irrespective of Security Classification Level of Filings contained therein, includes several separate folders, they shall be numbered sequentially.

**Article 14**  
**Case File Indices**

1. Each Case File shall contain an index that lists all Filings entered in that case. The index of the Case File shall be captured and maintained in the JDB.

2. Case File indices may be made publicly available provided that all Confidential and Strictly Confidential information has been redacted from the index.

**Article 15**  
**Submission of Records for Filing**

1. A Submitting Party may submit for inclusion in a Case File original or duplicate copies of, *inter alia*, the following:
  - (i) Warrants;
  - (ii) Indictments;
  - (iii) Motions;
  - (iv) Other submissions from Parties, such as responses, replies, briefs, notices, appeals, notifications and books of authorities;
  - (v) Other submissions from Non-Parties, such as briefs, certificates, exhibit lists and witness lists;
  - (vi) Decisions;
  - (vii) Orders;
  - (viii) Judgements and sentences;
  - (ix) Concurring, separate and dissenting opinions to decisions, orders and judgements;
  - (x) Supporting material and annexes to any of the above; and
  - (xi) Translations of original documents prepared by CLSS.
2. Records submitted for inclusion in the Case File, except those described in paragraphs (x) and (xi) above, shall bear the signature of the Submitting Party. Records submitted by the Chamber or a Judge shall bear the seal of the Tribunal. Records submitted by the Registrar or his designee shall bear the stamp of the Tribunal.
3. The Submitting Party shall provide a transmission sheet for each record submitted for filing which shall include the following information:
  - (i) Case name and number;
  - (ii) Record title;
  - (iii) Date of the record;
  - (iv) Any deadline to which the record is subject;
  - (v) Security Classification Level for the main record, and any annex(es);
  - (vi) *Ex Parte* Designation, if any, for the main record, and any annex(es);
  - (vii) Specific instructions and additional comments, if any; and
  - (viii) Name and contact number(s) of the Submitting Party or its representative.
4. The transmission sheet is not entered in the Case File.
5. The Submitting Party is responsible for ensuring the accuracy and completeness of both the transmission sheet and the records submitted therewith.

6. The Submitting Party shall comply with the requirements set forth in the Rules, and Practice Directions and policies cited below, as subsequently amended, unless otherwise directed by the Chamber or a Judge:
  - (i) Practice Direction on the Procedure for the Review of Written Submissions which Contain Obscene or otherwise Offensive Language, IT/240;
  - (ii) Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings before the International Tribunal, IT/155;
  - (iii) Practice Direction on Formal Requirements for Appeals from Judgement, IT/201;
  - (iv) Practice Direction on the Length of Briefs and Motions, IT/184;
  - (v) Information Concerning the Submission of *Amicus Curiae* Briefs, IT/122;
  - (vi) This Directive; and
  - (vii) Instructions for Electronic Filing.
7. The Submitting Party shall refer to Tribunal staff members and Defence using their functional titles whenever possible, and shall not publicly disclose any personal information relating to staff members and Defence, including, but not limited to, names, telephone numbers, e-mail addresses, home addresses and passport numbers, except where necessary.
8. Where the Submitting Party does not comply with the provisions of paragraphs 3, 6 and 7 of this Article, or if the Court Records Office is expressly authorised to do so, the Court Records Office may return the submitted records to the Submitting Party who shall be informed of the requirements with which the record must comply.
9. Records submitted for filing shall be transmitted to the following email address of the Court Records Office: [CourtAssistants@icty.org](mailto:CourtAssistants@icty.org). On an exceptional basis, records may be submitted for filing by fax, by hand or by post. Records submitted for filing are scanned by the Court Records Office after which the digital versions of such records shall be considered the official record submitted for filing.

#### **Article 16 Language**

1. Pursuant to Rule 3 of the Rules, all records submitted for filing shall be in a working language of the Tribunal.
2. Notwithstanding the provisions of paragraph 1 of this Article, upon authorisation of the Chamber or a Judge, records may be submitted for filing in a language other than a working language of the Tribunal.

#### **Article 17 Identification of Security Classification Level**

1. Without prejudice to the classification authority as recognised by paragraph 3.2 of the SGB, the Submitting Party is responsible for identifying the Security Classification Level and, if applicable, the *Ex Parte* Designation of the record submitted for filing. It

is also responsible for indicating that Security Classification Level and any *Ex Parte* Designation on the transmission sheet and cover page of the submitted record, in capital letters above the title. For a record which contains different Security Classification Levels or an *Ex Parte* Designation limited to parts of the record, the cover page of the record shall indicate the Security Classification Level and any *Ex Parte* Designation of both the main record and the annex(es), (e.g. CONFIDENTIAL WITH CONFIDENTIAL ANNEX A AND CONFIDENTIAL AND *EX PARTE* ANNEX B). Each such annex shall separately indicate, on its first page, in capital letters, its respective Security Classification Level and, where applicable, an *Ex Parte* Designation. The cover page of the record and the cover page of any annex with a different Security Classification Level shall indicate the Parties to whom the record, once entered in the Case File, should be distributed.

2. In the event that the Submitting Party fails to identify the Security Classification Level of the record submitted for filing under an urgent deadline and the information regarding the Security Classification Level of the record cannot be obtained within a reasonable time, the Court Records Office will enter the record in the Case File as Confidential, pending final resolution of the Security Classification Level, unless otherwise directed by the Chamber or a Judge. The Court Records Office will stamp the Security Classification Level on the cover page of the record.
3. The provisions of paragraph 2 of this Article also apply if the submitter has erroneously omitted to identify and indicate an *Ex Parte* Designation on the record submitted for filing.
4. In case of a Confidential or Strictly Confidential record submitted for filing, the Submitting Party retains the option of submitting two versions of the record, a Confidential or Strictly Confidential version and a public redacted version. The public version shall be marked "public redacted version" in capital letters on the cover page of the record, above the title. The Submitting Party shall ensure that all Confidential and Strictly Confidential information is removed from the public version and is replaced by the word "redacted" in capital letters, in square brackets.

### **Article 18** **Urgent Measures**

1. When a record submitted for filing requires urgent measures, such as entering a record on the Case File and distributing it after business hours, the Submitting Party shall explain to the Court Records Office the circumstances requiring urgent measures.
2. During business hours, the Submitting Party shall also contact the Chief Archivist, if available, or in his absence, the Head of the Judicial Records Unit, and explain the circumstances requiring urgent measures. After consultation, if the Chief Archivist or designee determines that urgent measures are required, he shall instruct the Court Records Office to enter the record in the Case File on an expedited basis.
3. For urgent matters arising outside of business hours, the Submitting Party shall also contact the Registry Duty Officer.

**Article 19**  
**Records not Entered in the Case File**

1. Subject to any authorisation by the Chamber or a Judge, the official Case File shall not include correspondence directly addressed to and/or from the Chamber, Judge, Party or Non-Party, unless annexed to a Filing as supporting material.
2. Case-related correspondence and other case-related records that are not entered in the Case File but are submitted to the Court Records Office shall be maintained in a separate correspondence file, and shall not form part of the Case Record.

**Article 20**  
**Entering Submitted Records in the Case File**

1. The Court Records Office shall review the record submitted for inclusion in the Case File for compliance with Article 15 of the Directive. The review shall not include an examination of the content of the record to determine whether it contains Confidential, Strictly Confidential and/or *ex parte* information.
2. Notwithstanding the provisions of paragraph 1 of this Article, where the Court Records Office has concerns about whether a particular record submitted as public should be publicly disclosed, it may temporarily delay public access to the record. The Court Records Office shall bring the matter to the attention of the Chamber or a Judge for a decision pursuant to Rule 53(A) of the Rules at the earliest opportunity.
3. For each Filing, the Court Records Office shall register and maintain the following information:
  - (i) Case name and number;
  - (ii) Filing title;
  - (iii) Date on the Filing (*i.e.* date signed);
  - (iv) Date the Filing was received;
  - (v) Date the Filing was entered in the Case File;
  - (vi) Date the Filing was distributed;
  - (vii) Language of the Filing;
  - (viii) Whether the Filing is an original language document or a translation;
  - (ix) Submitting Party;
  - (x) Security Classification Level for the main Filing, and any annex(es);
  - (xi) *Ex Parte* Designation, if applicable;
  - (xii) Registry numbers assigned to the Filing; and
  - (xiii) Initials of the Courts Records Office staff member who entered the Filing in the Case File.
4. On the cover page of each Filing, the Court Records Office shall indicate the Case Number, Registry-paginated page range, the date when the Filing was entered in the Case File, and the initials of the Court Records Office staff member who filed it.
5. Every page of the Filing shall be paginated by the Court Records Office sequentially in reverse order, beginning with the final page of the Filing and ending with the first

page of the Filing. The final page of the Filing shall be assigned the next sequential page number following the page number on the first page of the previous Filing.

6. Each Filing in a Case File shall be numbered sequentially.
7. Where a Filing is relevant to more than one case, a copy of that Filing shall be certified and cross-filed into each of the related Case Files unless otherwise instructed by the Chamber or a Judge.
8. Due to the particular sensitivity of the record, the Submitting Party may, on an exceptional basis and pursuant to the Internal Guidelines for Sensitive Filings, request the Court Records Office to deviate from the normal filing and distribution procedure as set out in the Directive. The Head of the Judicial Records Unit or his designee shall determine the request and may, in consultation with the Chamber or a Judge, deny the request.

### **Article 21 Time**

1. Records can be sent electronically to the email address of the Court Records Office 24 hours per day, 7 days per week. The business hours of the Court Records Office for receipt of paper format records are 9:00 a.m. to 4:00 p.m. on Tribunal working days.
2. Access to the email address of the Court Records Office has no impact on Rule 126(C) of the Rules.
3. The Court Records Office will register the receipt of records as follows:
  - (i) Records submitted for filing electronically are registered as received on the date and time they are transmitted to and recorded by the Court Records Office email system;
  - (ii) Records exceptionally submitted for filing by fax are registered as received on the date and time they are transmitted to and recorded by the Court Records Office fax number; and
  - (iii) Records exceptionally submitted for filing by post or by hand are registered as received on the date and time they are physically received by a staff member of the Court Records Office.
4. If a record is received during business hours, the Court Records Office shall enter it in the Case File on the same day. If a record is received after business hours, the Court Records Office shall enter it in the Case File on the next business day. Notwithstanding any other date indicated on the record by the Submitting Party, or the date when the record is received, the filing date is the date on which the Court Records Office enters the record in the Case File, with the exception of Filings pursuant to paragraph 5 below.
5. If a record is subject to a deadline under the Rules, Practice Directions or judicial decisions, it will be considered to have met the deadline if the Court Records Office receives it electronically or, exceptionally, by fax before 12:00 midnight in the Tribunal's time zone on the day of the deadline, unless otherwise ordered by the

Chamber or a Judge. Records exceptionally submitted by post or by hand will have met the deadline if they are received within business hours of the Court Records Office on the day of the deadline, unless otherwise ordered by the Chamber or a Judge.

6. Where a record is submitted for filing in a language other than a working language of the Tribunal, as authorised by the Chamber or a Judge, the record will be considered as duly submitted for filing as of the date received. However, the time by which a response or reply, if any, will be due, shall begin to run from the date on which the Registry distributes a filed translation of the record into a working language of the Tribunal, unless otherwise ordered by the Chamber or a Judge.
7. Unless otherwise instructed by the Chamber or a Judge, the Court Records Office shall accept and enter in the Case File records submitted for filing after the deadline required for their submission. In such case, the Chamber or a Judge shall make the determination as to whether the Filing will be considered.

## **Article 22** **Translations**

1. The Court Records Office shall ensure Filings are officially translated by CLSS, where appropriate.
2. The Court Records Office shall enter in the Case File a record submitted for filing in a language other than a working language of the Tribunal only upon receipt of and together with an official CLSS translation of such record, unless otherwise directed by the Chamber or a Judge.
3. CLSS will always translate indictments, decisions, orders and judgements into the other working language of the Tribunal, and a language which the accused understands. CLSS will not translate other Filings unless ordered by the Chamber or a Judge.
4. The official translation of a Filing shall be considered a Filing, and the provisions for filing of records in the Directive shall apply *mutatis mutandis* to all such translations.
5. The numbering of a translation shall be based on the page number of the cover page of the original language Filing, to create the link between the original language Filing and the translation. The pagination of translations shall be conducted in accordance with Article 20 of the Directive. The suffix “bis” shall be added to the page numbers of official translations into a second language. The suffixes “ter”, “quater”, etc. shall be added to official translations into additional languages. The page number of the cover page of the original language Filing shall be added at the end of the page number of each page of the translated version to create a link between the original language Filing and the translation (e.g. 1/20 TER; 2/20 TER, etc.).

**Article 23**  
**Distribution of Filings**

1. The Registry shall distribute copies of all Filings electronically to the relevant Chamber, Judge, Parties and other designated recipients, observing any restrictions for Filings designated as Confidential, Strictly Confidential and/or *ex parte*, except as provided for in paragraph 2 of this Article.
2. In circumstances where it is not possible to distribute a Filing electronically, the Registry shall distribute it by post, by diplomatic pouch, by placement in a Defence locker, by fax or by hand.
3. When distributing a Filing, the Registry shall provide, *inter alia*, the following Filing information which shall be captured in the accompanying notification form:
  - (i) Case Number;
  - (ii) Date of distribution;
  - (iii) Date entered in the Case File;
  - (iv) Date received;
  - (v) Title of the Filing;
  - (vi) Security Classification Level, and an *Ex Parte* Designation, if applicable; and
  - (vii) A list of the recipients of the Filing.
4. The notification form is part of the Case File but is not available through the JDB.
5. When distributing a Filing to entities external to the Tribunal, the Registry shall deliver a certificate of service and a *note verbale* recording the name of the recipient and the title of the Filing together with a certified copy of the Filing.
6. Unless otherwise provided for in the Rules or ordered by the Chamber or a Judge, a recipient of a Filing is deemed notified of the Filing on the day the Filing is effectively sent by the Registry by email or, exceptionally, by fax. Such date shall be written in the notification form to be appended to all copies of the Filing. If a designated recipient does not receive a Filing, the recipient may seek an appropriate remedy from the Chamber or a Judge, including a variation of any related time limit. The Registry shall retain and, if required, produce proof that the Filing was effectively sent. This paragraph shall apply, *mutatis mutandis*, to distribution by placement in a defence locker where the Defence has been notified of the placement by email.
7. Unless otherwise provided for in the Rules or ordered by the Chamber or a Judge, where a Filing is distributed to a recipient by post or by hand, the recipient is deemed notified of the Filing on the day of receipt, as acknowledged by postal return slip or by the recipient's signature, respectively. Where the recipient declines or is unable to sign the acknowledgement of receipt, the confirmation in writing on the prescribed form by the person serving the Filing shall be proof of notification.
8. All proofs of service shall be returned and maintained by the Registry.

**Article 24**  
**Exhibit and Witness List**

1. Upon completion of the first instance proceedings, and subject to any order by the Chamber, the Court Officer shall submit for filing a final list of all Exhibits admitted by the Chamber, and a final list of all witnesses called by the Parties or the Chamber, or whose evidence the Chamber has admitted in written form. The Court Officer shall submit the lists for entry in the Case File pursuant to Article 15 and, in case of Confidential or Strictly Confidential information, Article 17(4) of the Directive.
2. The Exhibit list shall contain, for each Exhibit listed, the following information:
  - (i) Number of the Exhibit;
  - (ii) Date tendered;
  - (iii) Date admitted;
  - (iv) Security Classification Level of Exhibit;
  - (v) Party tendering the Exhibit;
  - (vi) Short description of the Exhibit; and
  - (vii) Name of the witness through which the Exhibit was tendered, if applicable.
3. The witness list shall contain, for each witness listed, the following information:
  - (i) Chronological number of the witness corresponding to the order of testimony in the case, and reflecting Prosecution, Defence and/or Chamber witnesses;
  - (ii) Full name of the witness and, where applicable, the witness's pseudonym;
  - (iii) Date(s) of each witness's testimony;
  - (iv) Type of each witness's testimony (*e.g. viva voce*, pursuant to Rule 92*bis*, etc.);
  - (v) Indication whether the witness testified via video-conference link;
  - (vi) Protective measures granted to the witness, if any;
  - (vii) Date of the Chamber's decision granting protective measures, if any; and
  - (viii) Date of the Chamber's decision(s) rescinding, varying or augmenting protective measures previously ordered, if applicable.

**PART III: EXHIBITS**

**Article 25**  
**General Provisions**

1. During ongoing proceedings, the Court Officer manages the Exhibits. Upon completion of the proceedings, the Audio/Video Recordings and Exhibits Office manages the Exhibits.
2. The Court Officer shall enter in the Case Record as Exhibits only evidence admitted by the Chamber.

3. In managing records tendered into evidence, and subject to any order of the Chamber, the Court Officer shall ensure that:
  - (i) the Parties tender evidentiary records in accordance with the eCourt Direction;
  - (ii) the Parties tender each evidentiary record in a working language of the Tribunal or, where the record is tendered in another language, a translation into a working language of the Tribunal is made available; and
  - (iii) all records tendered into evidence are properly registered, marked and secured in eCourt, and/or the Registry vaults, as applicable.
4. For each Exhibit, the Court Officer shall register and maintain information listed in Article 24(2) of the Directive.

#### **Article 26 Exhibit Numbers**

1. Subject to any order by the Chamber, the Court Officer will assign to each Exhibit or record marked for identification by the Chamber a sequential number indicating the order of presentation, preceded by the following prefix:
  - (i) “P” for any Exhibit tendered by the Prosecution;
  - (ii) “D” for any Exhibit tendered by the Defence. In multiple accused cases, a sequential number that corresponds to the order of the accused as listed in the indictment may be added in front of the prefix “D” to designate Exhibits tendered by the Defence of that accused; and
  - (iii) “C” for any Exhibit admitted by the Chamber *proprio motu*.

### **PART IV: TRANSCRIPTS**

#### **Article 27 General Provisions**

1. An externally contracted company produces Transcripts, under the supervision of CLSS.
2. Transcripts shall be produced in at least one working language of the Tribunal.
3. The Transcript Coordinators Office, with support from CLSS, manages Transcripts, including:
  - (i) marking the Security Classification Level in line with the type of court session (open session, closed session or private session), any *Ex Parte* Designation and/or any redactions;
  - (ii) implementing any redaction and reclassification order issued by the Chamber or a Judge;

- (iii) implementing any corrigenda to the transcription and interpretation issued by CLSS; and
  - (iv) distributing Transcripts to the Chamber and the Parties in accordance with the Security Classification Levels and distribution designation.
4. For each Transcript, the Transcript Coordinators Office shall register and maintain the following information:
- (i) Case Number;
  - (ii) Sequential Transcript page numbers;
  - (iii) Date of the proceedings transcribed;
  - (iv) Security Classification Level;
  - (v) *Ex Parte* Designation, if applicable;
  - (vi) Subject matter of the proceedings, if applicable (*e.g.* procedural matters, examination-in-chief, cross-examination); and
  - (vii) Full name or pseudonym of the witness testifying, if applicable.

## **PART V: AUDIO/VIDEO RECORDINGS**

### **Article 28 General Provisions**

1. ITSS produces Audio/Video Recordings.
2. Audio/Video Recordings shall capture all languages spoken during the proceedings, including interpretation.
3. The Audio/Video Recordings and Exhibits Office, with support from ITSS, manages Audio/Video Recordings, including:
  - (i) marking the Security Classification Level in line with the type of session (open session, closed session or private session), any *Ex Parte* Designation and/or any redactions;
  - (ii) ensuring that a full version and, where applicable, redacted version of Audio/Video Recordings of each hearing is available;
  - (iii) implementing or verifying implementation of any redaction and reclassification order issued by the Chamber or a Judge.
4. The Audio/Video Recordings and Exhibits Office shall register and maintain the following information about Audio/Video Recordings:
  - (i) Case Number;
  - (ii) Date of the proceedings recorded;
  - (iii) Security Classification Level;
  - (iv) *Ex Parte* Designation, if applicable;
  - (v) Languages used during the proceedings; and
  - (vi) Type of the proceedings (*e.g.* initial appearance, status conference, trial hearing).

## ANNEX

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<b>Fee Schedule for Certification of Records pursuant to Request For Assistance</b>			
<b>Time per page (Minutes)</b>			
	<b>Transcript</b>	<b>Exhibit</b>	
Locate/ Search	0.04	0.84	
Convert to pdf	0.21	0.21	
Stamping	0.01	0.01	
<b>Total Minutes per Page</b>	<b>0.26</b>	<b>1.06</b>	
<b>Labour Costs (€)</b>			
	<b>Salary per hour</b>	<b>Salary per minute</b>	
Professional Level	38.16	0.64	
General Services Level	23.76	0.40	
<b>Document Cost: 1 page (€)</b>			
	<b>Transcript</b>	<b>Exhibit</b>	
Professional Level Cost per page	0.17	0.68	
General Services Level Cost per page	0.10	0.42	
CD (per unit)	0.42	0.42	
<b>Audio/Video Request Costs (€)</b>			
	<b>Professional</b>	<b>General Services</b>	
Labour per minute	0.64	0.40	
DVD (per unit)	0.47	0.47	
CD (per unit)	0.42	0.42	
<b>Hard Copy Requests: Additional Charges (€)</b>			
	<b>Quantity</b>	<b>Price</b>	
Hard Binders	1	0.81	
Paper	per page	0.005	
Labels for Boxes	1	0.33	
Labels for Binders	1	0.17	
Acid Free Box	1	0.83	
Printer Ink	per page	0.02	
<b>Additional Costs</b>			
Shipping Costs	To be determined according to size of request		
Administration Fee	13% of total cost		