



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/121/REV.2

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**DIRECTIVE FOR THE COURT MANAGEMENT AND SUPPORT
SERVICES SECTION
JUDICIAL SUPPORT SERVICES
REGISTRY**

(IT/121/REV.2)

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PREAMBLE

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 as amended and in particular Article 17 thereof; and

CONSIDERING the Rules of Procedure and Evidence as adopted by the Tribunal on 11 February 1994 and further amended:

HEREBY ISSUES REVISION 2 OF THE DIRECTIVE FOR THE COURT MANAGEMENT AND SUPPORT SERVICES SECTION

PART I: INTRODUCTION

Article 1 Entry into Force

The Directive shall enter into force on 24 January 2011.

Article 2 Amendments

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

Article 3 Definitions

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

The following terms shall mean:

ARMU: Archives and Records Management Unit;

Case file: All documents filed by CMSS Court Records Office related to a specific case;

Case record: The case record contains, *inter alia* the Case file, exhibits, transcripts, witness list(s), exhibit list(s) and supporting material to the indictment filed in the case;

Chamber(s): Trial Chamber(s) and/or the Appeals Chamber of the Tribunal;

CLSS: Conference and Language Services Section;

- CMSS:** The Court Management and Support Services Section of Judicial Support Services of the Registry;
- Confidential:** Filing, exhibit or other materials or information classified as such which can only be accessed by specified recipients and whose unauthorized disclosure may attract sanction for criminal contempt;
- Defence:** Counsel retained by the Accused or appointed by the Tribunal for the purpose of providing defence services to the Accused;
- Directive:** Directive for the Court Management and Support Services Section Division of Judicial Support Services Registry (IT/121/REV.2 (“CMSS Directive”));
- eCourt:** The Electronic Court Management System;
- Ex Parte:** A legal term meaning “on or from one side or Party only”.¹ An *Ex Parte* filing is one filed without notification of one or more Parties to the proceedings. An *Ex Parte* hearing is one conducted in the absence of and without representation or notification of one or more Parties to the case. *Ex Parte* filings and hearings are generally confidential but may on occasion be public;
- Exhibit:** A document, record, item or other tangible object formally introduced as evidence and managed in accordance with Article 39 of the CMSS Directive;
- Filings:** All case related official court documents submitted for filing with the Registry by any Party with standing before the Tribunal and included on the Case file by the CMSS Court Records Office. The filings are classified as public, confidential or confidential *Ex Parte*. They may also be handled as a “Sensitive Filing” (see Article 23(2) of the CMSS Directive);
- Folders:** Hard-copy Case file or the electronic Case file;
- Instruction Manual for the Registry:** Instruction Manual for the Registry: Court Management And Support Services Section, Division Judicial Support Services. An internal working document describing the working procedures for the different units in CMSS;
- Instructions for Electronic Filing:** A public memorandum by the Chief of CMSS dated 15 June 2007 providing guidelines regarding how to electronically submit a document for filing;
- Internal Guidelines for Sensitive Filings:** A public CMSS document setting out the procedure to be followed for filing a sensitive document;
- ITSS:** The Information Technology Support Services Section of the Tribunal;
- Judicial Database (JDB):** A searchable database containing the electronic versions of all case records developed and maintained by the Tribunal;

¹ See Webster’s Ninth New Collegiate Dictionary, 1985.

- Judicial Record:** All case related material (paper, electronic or audiovisual) kept by the CMSS on behalf of the Registrar pursuant to Article 7 of the CMSS Directive;
- NEMS:** New Electronic Minutes System. An electronic system used to store information and generate reports relating, *inter alia*, to witnesses, in-court procedural matters, composition of teams and other details that form part of the Registry minutes of court proceedings;
- NEF:** Notification of Electronic Filing: An electronic system used to deliver documents filed with the Registry;
- OLAD:** Office for Legal Aid and Detention Matters. A part of the Registry's Judicial Support Services ;
- Party:** The Prosecution, the Defence, the SRA or a State;
- Prosecutor:** The Prosecutor, appointed pursuant to Article 16 of the Statute of the Tribunal adopted by Security Council Resolution 827 of 25 May 1993;
- Pro-Se Legal Liaison Office (“Pro-Se Office”):** A unit within CMSS which, in conjunction with the Deputy Registrar, Head of OLAD, Chief of CMSS and the Legal Coordinator of CMSS facilitates equal access to the court process for the SRA by assisting in identifying obstacles and needs for the SRA to prepare and present his case in accordance with the Tribunal’s Statute, Rules and Regulations;
- Registrar:** The Registrar appointed pursuant to Article 17(3) of the Statute of the Tribunal adopted by Security Council Resolution 827 of 25 May 1993;
- Rules:** The Rules of Procedure and Evidence, adopted pursuant to Article 15 of the Statute of the Tribunal, entering into force on 14 March 1994, and further amended;
- Sensitive filing:** A filing which, due to the particular subject matter, will have restricted distribution, will temporarily not be linked to the JDB, and will only be filed and distributed in hard copy to specified recipients;
- SRA:** Self Represented Accused;
- Statute:** The updated statute of the International Criminal Tribunal for former Yugoslavia, as amended 7 July 2009 by resolution 1877.
- Tribunal:** The 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;
- TRIM:** An integrated electronic document and records management system;
- UN ARMS:** The United Nations Archives and Records Management Section;
- UNDU:** The United Nations Detention Unit.

PART II: COURT MANAGEMENT

Article 4

Composition of the Court Management and Support Services Section

As of September 2009, the Court Management and Support Services Section is comprised of:

- i) the CMSS Management Team including the Chief, Archivist, Deputy Chief and Legal Coordinator;
- ii) the Court Officers Unit;
- iii) the Court Records Office;
- iv) the Courtroom Clerks/Ushers Unit;
- v) the Judicial Archives Unit;
- vi) the Transcript Coordinators Unit;
- vii) the Office of Document Management (ODM);
- viii) the Archives and Records Management Unit (ARMU); and
- ix) the Pro-Se Legal Liaison Office (Pro-Se Office).

Article 5

Supervision and Responsibilities of CMSS

1. CMSS is a section within the Judicial Support Services, supervised by the Deputy Registrar, under the authority of the Registrar, pursuant to Rule 33 *bis* of the Rules
2. CMSS is responsible for, *inter alia*:
 - a. providing administrative, organisational and judicial support for all proceedings;
 - b. serving as a channel of communication between the Tribunal and States or Organisations;
 - c. maintaining the judicial archives of the Tribunal and support all agencies in preparing records for the archives responsibilities as required;
 - d. having custody of seals and stamps;
 - e. organising the proceedings of the Chambers, including making arrangements for distribution of documents, providing technical assistance, preparing minutes and records, revising, distributing and publishing of transcripts;
 - f. advising on rules and procedural changes aimed at, or affecting, court operations and judicial administration;
 - g. filing and distributing judgements, orders, requests, pleadings, and other official documents of the Tribunal;
 - h. ensuring that court records concerning the Tribunal are publicly available;
 - i. maintaining the Record Book, pursuant to Rule 36 of the Rules;
 - j. summarising judicial activities including but not limited to reporting on site visits, submitting weekly case reports to the Registrar and reporting on Rule 92 *bis* missions;
 - k. preserving confidentiality, integrity and accessibility of official court files and documents;
 - l. ensuring the smooth and efficient operation of court proceedings;
 - m. ODM functions;
 - n. War Crimes Justice Project functions;
 - o. Disciplinary Panel functions.

3. Additionally, CMSS has ad-hoc functional responsibilities for three components of the War Crimes Justice Project:
 1. B/C/S Transcription Project;
 2. training of Court Professionals and others; and
 3. translation of 175,000 words of the Appeals Chamber Case law Research tool.

Article 6 Declaration

Before commencing their duties, all CMSS staff shall make a Solemn Declaration pursuant to Rule 32 (C) of the Rules. They also shall acknowledge their solemn duty to not reveal to any source whatsoever any non-public information to which they may have access in their official work for the Tribunal. This obligation extends throughout the duration of their CMSS tenure and thereafter.

Article 6 *bis* Pro-Se Legal Liaison Office

1. The Pro-Se Office shall provide specialised assistance to an SRA who elects to represent himself in Court proceedings before the Tribunal. The Office promotes equal access to the Court process for the SRA by ensuring that the Accused has adequate facilities to prepare and present his case in accordance with the Tribunal's Statute, the Rules, the CMSS Directive and the Pro-se Office policies.
2. The Pro-Se Office is supervised by the CMSS Legal Coordinator. The Pro-Se Legal Liaison Officer acts under the joint direction of the Head of OLAD and the Chief of CMSS.
3. The Pro-Se Office facilitates coordination of information and communicates requests between sections of the Registry, the UNDU and other entities with the SRA and keeps the SRA and his legal team informed of procedural requirements and their responsibilities and obligations.

PART III: JUDICIAL RECORDS AND ARCHIVES

Article 7 Judicial Records

1. CMSS is responsible for maintaining, securing and archiving the judicial records of the Tribunal.
2. The judicial records shall contain the following case-related items:
 - a. Case files consisting of official court documents in Article 9, and maintained in accordance with Article 10 of the CMSS Directive;
 - b. correspondence files maintained in accordance with Article 14 of the CMSS Directive;
 - c. the JDB (which shall constitute the Electronic Record Book) maintained in accordance with Rule 36 of the Rules and Article 15 of the CMSS Directive;
 - d. transcripts and audio-visual recordings, in accordance with Rule 81 (A);

- e. exhibits in paper, electronic and other formats maintained in accordance with Article 39 of the CMSS Directive.
3. The judicial records also include records created by the Court Officers related to the judicial process, including records which do not form part of the official Case file as described in Article 10 of the CMSS Directive, such as certain reports generated through NEMS and eCourt.
4. The judicial records shall be secured by the Judicial Archives Unit staff. No file, exhibit or recording in the custody of the archives may be reviewed or taken from any CMSS office or vault without registering access to the item in CMSS's records. CMSS shall use TRIM and the JDB for tracking and securing such records.
5. The CMSS Court Records Office and Judicial Archives Unit staff shall be responsible for ensuring the separation of *Ex Parte* and Confidential items from the public items within the judicial records. The Chief of CMSS shall maintain and update a list of persons authorised to access the *Ex Parte* and Confidential part of the Judicial Records.
6. Authorised persons who take temporary custody from the judicial archives of any public, confidential, or *Ex Parte* item shall ensure that: (i) such item remains secured while in their custody; (ii) the confidential and/or *Ex Parte* status of the item is maintained and (iii) the chain of custody for the records is maintained where applicable.
7. The CMSS Court Records Office and Judicial Archives Unit staff, in cooperation with the relevant Court Officer, shall be responsible for ensuring the timely conversion of the status of items designated by the Court as confidential to public and conversely from public to confidential, *Ex Parte* or to any other status, subject to orders issued by a Judge or Chambers pursuant to the CMSS Records Retention Schedule and UN ARMS guidelines and policies.

Article 7 bis
Archives and Records Management Unit

1. ARMU is supervised by the Chief of CMSS.
2. ARMU is, *inter alia*, responsible for:
 - a) preparing all Tribunal records for transfer to other organisations or disposal, at or before the closure of the Tribunal;
 - b) developing a policy on access to the Tribunal's records, including establishing procedures for processing and determining requests for access to non-public records;
 - c) providing storage and retrieval services for inactive records;
 - d) maintaining and administering the TRIM records management software;
 - e) providing advice, guidance and assistance to all organs of the Tribunal in support of daily activities with respect to the record-keeping aspects of the completion strategy and on the archives component of the legacy strategy; and
 - f) liaising with UNARMS on matters related to the archives and records of the Tribunal.

**PART IV: FILING, REPRODUCTION,
AND TRANSMISSION OF DOCUMENTS**

**Article 8
General Functions**

CMSS is responsible for carrying out the Registry's duties regarding the management, filing, reproduction, transmission, custody and security of the judicial records of the Tribunal including:

1. Official documents as discussed in Article 9 of the CMSS Directive;
2. Transcripts and audio-visual recordings of court proceedings; and
3. Other case-related documents and media.

**Article 9
Official Court Documents filed with CMSS/Registry**

1. The official Court documents filed with CMSS/Registry:
 - a. Original documents integral to the Tribunal's proceedings such as:
 - (i) original documents submitted for filing and filed or admitted by the Chambers bearing the signature of a Judge, and the seal of the Tribunal;
 - (ii) original documents submitted for filing and filed by the Prosecutor bearing the signature of the Prosecutor or his delegate;
 - (iii) original documents submitted for filing and filed by the Registry bearing the signature of the Registrar or his delegate and the stamp of the Tribunal;
 - (iv) all documents concerning cases before the Tribunal submitted for filing and filed by the Parties, by an *amicus curiae* (in accordance with Article 9 *bis* of the CMSS Directive) or by Organisations (in accordance with Rule 54 *bis* of the Rules);
 - (v) translations of original documents submitted by CLSS;
 - (vi) documents stored in the JDB (with effect from 1 January 2005 or later);
 - (vii) any other document designated by the Chief of CMSS, in consultation with the Chamber, Judge, Registrar or relevant section, as an original document; and
 - (viii) exhibits admitted by a Chamber.
 - b. Copies of original documents as described in (a) which have been certified in accordance with Article 17 of the CMSS Directive.
2. CMSS shall ensure that every official Court document submitted for filing with the CMSS Court Records Office falls within one of the above categories.

Article 9 bis

Submission of Documents by a Party, an *Amicus Curiae* or State pursuant to Rule 108 bis

1. Pursuant to Rule 3 of the Rules, all documents submitted for filing with CMSS shall be in the working languages of the Tribunal. A document may be submitted for filing in either working language.
2. Notwithstanding the above, on the direction of a Chamber, documents may be submitted for filing in other than a working language of the Tribunal.
3. Anyone submitting a document for filing with the Tribunal shall comply with the requirements set forth in the Tribunal Practice Directions cited below unless otherwise directed by the President, a Chamber or Judge:
 - a. Practice Direction on the Procedure for the Review of Written Submission which Contain Obscene or otherwise Offensive Language; IT/240, 14 Nov. 2005;
 - b. Practice Direction on Procedure for the Filing of Written Submissions in Appeal Proceedings before the International Tribunal; IT/155 Rev. 3, 16 September 2005;
 - c. Practice Direction on Formal Requirements for Appeals from Judgement; IT/201, 7 March 2002;
 - d. Practice Direction on the Length of Briefs and Motions, IT/184 Rev. 2, 16 September 2005;
 - e. Information Concerning the Submission of *Amicus Curiae* Briefs, IT/122, 27 March 1997; and
 - f. Provisional Practice Direction on the Application of an Electronic Court Management System, IT/239, Rev.1, 6 October 2005.
4. CMSS shall accept and file applications requesting leave to file an *amicus* brief or to appear as *amicus curiae* by States, Organisations or persons, provided the application complies with the requirements set forth in IT/122: "Information Concerning the Submission of *Amicus Curiae* Briefs, 27 March 1997" and its amendments. Applications that do not comply with the requirements of IT/122, will be returned to the submitter who shall be informed of the requirements with which the application must comply.

Article 10

Composition of Case files

1. The Tribunal's Case files shall include all documents filed by the CMSS Court Records Office in each case brought before a Judge, Chamber, or the President pursuant to the Rules.
2. Where a document is relevant to more than one case, a copy of that document shall be prepared and cross-filed into each of the related Case files unless otherwise instructed by the President, a Chamber, or Judge.
3. Each document on a Case file shall be numbered sequentially and filed in accordance with the Instruction Manual for the Registry.

4. Documents in more than one language are filed in accordance with the Instruction Manual for the Registry.
5. Documents submitted for filing in other than a working language of the Tribunal, will be sent to CLSS for official translation before being filed by the Court Records Office on the Case file, unless otherwise directed by a Chamber pursuant to Article 9 *bis* (2) of the CMSS Directive.
6. In those cases in which a document is submitted for filing in a language other than the working languages of the Tribunal, as authorised by a Chamber, or where a Party has submitted a document for filing in a language other than a working language of the Tribunal, the document will be considered as duly submitted for filing as of the date received. However, the time by which a response or reply will be due, shall begin to run from the date on which a translation of the document is available in one of the working languages of the Tribunal and filed by the Court Records Office on the Case file, unless otherwise ordered by a Chamber.

Article 11
Principles Governing Management of Case file Documents

1. Case file documents with Confidential and/or *Ex Parte* status, in whole or in part, shall be maintained in a secured area pursuant to the Instruction Manual for the Registry, and shall be accessible to neither the public, nor the excluded Party. An *Ex Parte* document or part thereof will not be served upon excluded parties.
2. Case file documents with a public status whether *Ex Parte* or not, shall be accessible to the public pursuant to Part XII of the CMSS Directive.

Article 12
Case file Indices

1. Each Case file shall contain an index that lists all documents filed in that case. The index of the Case file shall be captured and maintained in the JDB.
2. The indices of the Case files may be public provided that all confidential information has been redacted from the index.

PART V: CORRESPONDENCE

Article 13
[Deleted]

Article 14
Correspondence and related Documents

1. Official outgoing case-related correspondence of the Registry shall be signed by the Registrar, Deputy Registrar, or their authorised delegates.
2. The Office of the Chief of CMSS shall be responsible for distributing relevant official court documents, filed pursuant to Article 9 of the CMSS Directive, to external entities. A Certificate

of Service and a Note Verbale recording the name of the addressee and the title of the document shall be delivered together with a certified copy of the document filed by CMSS.

3. For all case related correspondence not submitted for filing, a correspondence file shall be opened and maintained by the CMSS Court Records Office.
4. The official Case files shall not include correspondence directly addressed to and/or from a Judge, Prosecutor, Defence Counsel or SRA unless such correspondence is submitted to the CMSS Court Records Office for filing and filed on the Case file. Case-related correspondence that is not part of the official Case file shall be maintained separately as part of the Judicial Record as provided for in paragraph 3 of this Article.

PART VI: JUDICIAL DATABASE RECORD BOOK

Article 15 Judicial Database Record Book

Pursuant to a decision of the Plenary, with effect from 1 January 2005, the JDB shall constitute the electronic Record Book for each case as required by Rule 36 of the Rules. This electronic Record Book is the successor to the manually maintained Record Book.

PART VII: MANAGEMENT OF AND ACCESS TO AUDIO-VISUAL RECORDS

Article 16 Filing, Duplication, and Storage of Materials

1. All evidence and audio-visual records of proceedings shall be secured, indexed and archived in the Registry vaults.
2. Chambers and Parties shall have access to materials filed with the Tribunal or admitted as an exhibit, through the JDB. In cases where it is not available through the JDB, a request can be submitted to the Judicial Archives Unit.
3. CMSS shall also ensure public access to audio-visual records, from which all confidential information has been redacted.
4. CMSS will take feasible measures to address the possibility of physical deterioration of the audio-visual records over time and shall in consultation with the ARMU and UN ARMS, seek to preserve these materials in a sustainable format to preserve their integrity.
5. The practical mechanisms implementing this Article are set forth in the Instruction Manual for the Registry.
6. The filing, storage, archiving, and preservation of audio-visual and three-dimensional exhibits admitted into evidence shall be performed in accordance with this Article and the relevant policies established by CMSS, ARMU and UN ARMS.

PART VIII: CERTIFIED COPIES

Article 17 Certified Copies

1. Certified copies of original case-related documents issued by the Tribunal must bear the stamp of the Tribunal and the signature of the Registrar or his authorised delegate. Copies certified pursuant to this Article shall be regarded as an exact and unaltered reproduction of the original.
2. The Registrar may utilise certificates, under conditions set forth in the Instruction Manual for the Registry, to certify copies of original case-related documents. Any copy of an original case-related document covered by a certificate signed by the Registrar or his delegate shall be considered a certified copy.

PART IX: COURT MANAGEMENT AND SUPPORT SERVICES FEES

Article 18 Court Management and Support Services Fees

1. The Registrar may establish and impose reasonable fees or conditions for CMSS services including, but not limited to, certifying copies of judgements, orders, minutes, transcripts, official documents, or extracts from the JDB and making copies of non-confidential audio-visual materials. When such fees are established, a description and schedule of them shall be made available on request from CMSS.²
2. Upon written request to the Registrar, fees for such acts and services may be waived, for good cause.

² The fee schedule is attached as Annex I to the CMSS Directive.

**PART X: CASE OPENING
AND ASSIGNMENT OF CASES**

**Article 19
Case Opening**

1. CMSS shall open a new Case file upon receipt of:
 - a. an application for deferral pursuant to Rule 9 of the Rules;
 - b. an indictment submitted pursuant to Rule 47 of the Rules;
 - c. an order for retrial issued by the Appeals Chamber pursuant to Rule 117 (c) of the Rules; or
 - d. an indictment submitted pursuant to Rule 77 of the Rules.³
2. Upon receipt of any other application that does not relate to a pre-existing case, the documents relating to that application shall be filed in a miscellaneous file.
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 directs that there should be separate trials for the Accused named in the indictment, the Registrar shall instruct CMSS to sever the initial Case file and assign new case numbers. A Case file, whether public or confidential, may include several separate folders. Successive folders shall be numbered sequentially.
4. The following symbols shall be used in assigning a case number⁴:

The case reference number (e.g. IT-06-33):

IT = International Tribunal;
06 = Calendar year the case was filed with the Tribunal; and
33 = Sequential number of the case.

The case reference number indicating the severance of an accused (e.g. IT-06-33/1):

33/1 = In case of a severance of an accused from other accused on the same indictment;

The letters indicating the stage of the proceedings (e.g. IT-06-33-PT):

I = **Indictment/investigation:** From filing of the indictment pursuant to Rule 47 of the Rules, to initial appearance of the accused pursuant to Rule 62 of the Rules, or any further appearance until the moment the

³ 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 CMSS Directive.

accused enters a plea pursuant to Rule 62 (A) (iii), or the Trial Chamber or Judge enters a plea on the accused's behalf pursuant to Rule 62 (A) (iv) of the Rules;

D	=	Deferral: From filing of an application for deferral to the decision on the application pursuant to Rule 9 of the Rules;
PT	=	Pre-trial: From the day a plea pursuant to Rule 62 (A) (iii) or Rule 62 (A) (iv) has been entered until the first trial hearing (i.e. opening statements). In a case with multiple Accused, a document concerning any Accused who did not enter a plea pursuant to Rule 62 (A) (iii) or on who's behalf a plea pursuant to Rule 62 (A) (iv) has not been entered, is filed under the letter I, whereas the documents concerning those Accused who entered a plea or on who's behalf a plea was entered, are marked PT;
T	=	Trial: From the first day of the trial phase hearing to the trial judgement;
Bis-PT	=	For post-appeal trials ordered by the Appeals Chamber pursuant to Rule 117 (C), from the first document on the Case file regarding the re-trial until the first hearing in re-trial;
Bis-T	=	For post-appeal trials ordered by the Appeals Chamber pursuant to Rule 117 (C), from the first hearing in re-trial until the judgment;
A	=	Appeal: From the first notice of appeal pursuant to Rule 108, to the judgement on appeal pursuant to Rule 117;
R	=	Review: For review proceedings: from the request for review, pursuant to Rule 119, until the decision on review or further judgment pursuant to Rule 120;
S	=	Sentencing: For proceedings after the decision granting a motion for a plea agreement pursuant to Rule 62 <i>bis</i> ;
ES	=	Enforcement of Sentence: For proceedings involving the enforcement of sentence as of the date the judgement becomes final;
Misc	=	Miscellaneous: For miscellaneous proceedings;

⁴ Please note that the list is not exhaustive, variations might occur. Please contact CMSS for further inquiries.

IT-05-88-Misc. = Miscellaneous under the case number: as of the date of the pronouncement of the trial judgement and the deadline until the deadline for entering the notice of appeal;

IT-05-88-Misc.1= Miscellaneous under the case number: a number indicates the chronological order of the filing of different issues.

The letters and numbers indicating the stage of the proceedings with a reference to the Rules by Rule number (e.g. IT-06-33-**R77**):

R61 = A procedure in case of failure to execute an arrest warrant pursuant to Rule 61;

R75H = A procedure in case of an application to rescind, vary, or augment protective measures pursuant to Rule 75H;

R77 = Contempt proceedings pursuant to Rule 77;

AR11bis = An appeal of a referral decision under Rule 11 *bis* of the Rules;

AR54bis = An interlocutory appeal of an order of a Chamber under Rule 54 *bis*;

AR72 = An interlocutory appeal of a decision of a Trial Chamber on a preliminary motion pursuant to Rule 72;

AR73 = An interlocutory appeal of a decision of a Trial Chamber on motions other than preliminary motions pursuant to Rule 73;

AR65 = An interlocutory appeal of a decision of a Trial Chamber on provisional release pursuant to Rule 65;

AR77 = An interlocutory appeal of a decision of a Trial Chamber on a contempt proceeding pursuant to Rule 77; and

AR108bis = An interlocutory appeal of a decision of a Trial Chamber in respect of a State Request for Review pursuant to Rule 108 *bis*.

The number indicating the chronological order of interlocutory appeals filed pursuant to the same Rule, (e.g. IT-06-33-**R73.1**):

AR73.1 = *idem*, but should several interlocutory appeals on the same rule be filed, a number indicates the chronological order of the filing regardless of which party has filed the appeal;

Article 20
Assignment of Cases

The President of the Tribunal assigns a new case or re-assigns an existing case to a Judge or Chamber by Order. CMSS shall file the Order of assignment or re-assignment and make other necessary arrangements as required. Case-related matters shall be transmitted to the assigned Judge or Chamber according to the President's Order. Case-related matters not otherwise assigned to a Judge or Chamber shall be transmitted to the Duty Judge pursuant to Rule 28 of the Rules.

PART XI: PROVISION OF DOCUMENTS

Article 21
General Principles

1. Any entity with standing before the Tribunal under the Rules shall submit documents for inclusion on the Case file (as discussed in Article 10 of the CMSS Directive) with the CMSS Court Records Office.
2. The CMSS Court Records Office shall review the document submitted for inclusion on the Case file for compliance pursuant to Article 9 *bis* of the CMSS Directive and Rule 3 of the Rules. Once accepted for filing the Court Records Office shall arrange for translation (if required), filing, recording and distribution subject to direction by a Chamber seized of the matter.
3. A document not meeting the requirements of Article 9 *bis* or Rule 3 of the Rules shall be returned to the submitter for compliance.
4. The CMSS Directive shall apply *mutatis mutandis* to documents received from a Party or other external entity submitted for filing on the case record.

Article 22
[Deleted]

Article 23
Filing with the Court

1. Case related documents submitted for filing shall where possible be transmitted electronically to the CMSS Court Records Office. On an exceptional basis, case related documents submitted for filing may be submitted in paper format by fax, by hand or post. Documents submitted for filing, received in paper format or by fax, shall be scanned by the CMSS Court Records Office after which the electronic versions of such documents shall be considered the official document submitted for filing.
2. The Registry, Chambers, and Parties may on an exceptional basis request CMSS, following the procedure set out in “*Internal Guidelines for Sensitive Filings by Registry-CMSS*” dated 12 August 2008 and its amendments (Guidelines for Sensitive Filings), to deviate from the normal filing and distribution procedure as set out in the CMSS Directive when a request for a sensitive filing is made. The CMSS Court Records Office shall proceed according to the Guidelines for

Sensitive Filings in the event that the request is granted.

3. The CMSS Court Records Office shall file all case related documents submitted for filing pursuant to Article 10 of the CMSS Directive.
4. Notwithstanding any other date designated on the document or when the document is received, the official filing date is the date on which the document is officially filed on the Case file by the Courts Records Office.

Article 24 Electronic Filings

All documents submitted for filing electronically shall comply with the technical standards set forth in the Memorandum “Instructions for Electronic Filing” issued by the Chief of CMSS on 15 June 2007 and its amendments.

Article 24 bis Service of Filings

1. CMSS shall serve copies of all filings electronically on the relevant Chamber, Parties, and other designated recipients, observing any restrictions for filings designated as confidential, partly confidential and/or *Ex Parte*, except as provided for in paragraph 2 of this Article. When notifying designated recipients of a filing, CMSS provides, inter alia, the following filing information which shall be captured in the JDB:
 - a. case number;
 - b. date of distribution;
 - c. date filed;
 - d. date received;
 - e. title of the filing; and
 - f. status of the filing, e.g. public, confidential, or *Ex Parte*.
2. In circumstances, where it is not possible to serve filings electronically, they shall be served by post, by placement in a defence locker, by fax or by hand with the notification information.

Article 25 Business Hours of the CMSS Court Records Office

1. The business hours of the CMSS Court Records Office are 9:00 a.m. to 4:00 p.m., Monday through Friday excluding official Tribunal holidays. However, access to the electronic filing system for the purpose of submitting documents electronically is available 24 hours per day, 7 days per week.
2. Access to the electronic filing system has no impact on Rule 126 (B) of the Rules.

3. Case related documents submitted for filing subject to a deadline pursuant to the Rules or relevant Practice Directions, or deriving from orders or decisions by the Chamber, Judge or President, will be considered as having met the deadline when they are received electronically by the CMSS Court Records Office's email system before 12:00 midnight in the Tribunal's time zone. The submitter of a case-related document under deadline shall indicate the date of the deadline.
4. Unless otherwise ordered by a Chamber, where a filing subject to a deadline is received after business hours and distribution does not occur until the next business day, the response and/or reply time shall run from the date of distribution and not from the time of filing by the CMSS Court Records Office.⁵
5. Electronic case-related documents submitted for filing shall be registered as received on the date and time they are transmitted to and recorded by the CMSS Court Records Office's email system.
6. Case-related documents submitted for filing during business hours, shall be filed and processed on the day that they are submitted to the CMSS Court Records Office. Case-related documents submitted for filing and received after 4:00 p.m. shall be processed and filed the next business day.
7. Case-related documents submitted for filing after business hours on the last business day of the week, or after business hours preceding a Tribunal holiday will be distributed on the next business day.

Article 26 Untimely Filings

Unless otherwise instructed by the Chamber, CMSS shall accept and file case related documents submitted for filing to the Court Records Office after the deadline required for its submission, the Chamber shall make the ultimate determination as to whether the document will be considered.

Article 27 Urgent Measures

1. A Chamber or Party submitting a document for filing on the Case file during business hours that requires urgent action by a Judge or Chamber shall proceed as follows:
 - a. if submitting a paper document, personally deliver the document to the CMSS Court Records Office and explain the circumstances orally or in writing; or
 - b. if submitting electronically, contact the CMSS Court Records Office and explain the circumstances at the time the document is transmitted for filing.

⁵ For example, where an electronic filing is received in the Court Records Office inbox at 11.59 p.m. tribunal time on a Friday, distribution will occur on Monday, which is also the effective date on which the response time begins to run.

2. A Chamber or Party submitting a document pursuant to paragraph one of this Article, shall contact the Chief of CMSS if available, or in absence of the Chief, the Deputy Chief or Legal Coordinator and explain the circumstances. After consultation, the Chief or designee shall inform the CMSS Court Records Office, which shall file and process the document on an expedited basis.
3. For matters arising under Rule 28 (D) (i) of the Rules outside of regular business hours the Chamber or Party shall contact the Registry Duty Officer.

Article 28
Identification of the Status and Review of
Case-related documents submitted for filing

1. The Court Records Office of CMSS shall conduct a summary review of all documents submitted for filing for compliance with the provisions of Article 9 *bis* of the CMSS Directive, Rule 3 of the Rules and for proper case designation. The review shall not include an examination of the content of the document to determine whether it contains (partly) confidential and/or *Ex Parte* information. The obligation to identify case related documents as public, confidential, or *Ex Parte* rests exclusively with the submitting Party or Chamber.
2. Notwithstanding the provisions of paragraph 1 of this Article, where the CMSS has concern whether a particular document submitted as public should be publicly disclosed, they may temporarily delay public access of the document. The CMSS Court Records Office shall bring the matter to the attention of the Judge or Chamber for a decision pursuant to Rule 53 (A) of the Rules at the earliest opportunity.
3. The Parties and Chambers shall be responsible for identifying and submitting to CMSS as confidential any document that contains information that: (i) is confidential or (ii) could be reasonably identified as information to which public access should be restricted for purposes of protecting witnesses, limiting disclosure, or which otherwise impedes the effective administration of justice. The Parties Chambers, Judges and the President shall also be responsible for identifying documents which should not be served on a Party and which should be marked '*Ex Parte*'.
4. The Parties and Chambers shall refer to Tribunal staff members using their functional titles, and shall not publicly disclose any personal information relating to staff members, including but not limited to names, telephone numbers, e-mail address, home address, and passport numbers.
5. Unless otherwise provided for by order of a Chamber or a Judge, Parties shall not file with CMSS as public any document, which contains information that is confidential.
6. Case-related documents submitted for filing shall reflect the status of the document. Documents that contain (partly) confidential or *Ex Parte* information shall be identified by the indication "(PARTLY) CONFIDENTIAL" and/or "(PARTLY) CONFIDENTIAL AND *EX PARTE*" in capital letters on the cover page of the document above the title. Case related documents submitted for filing to which public access is not restricted shall be identified by the

indication “PUBLIC” in capital letters on the cover page of the document above the title. The cover page of the document shall reflect those Parties to whom the filing shall be distributed.

7. The Parties, Chambers, Judges and the President retain the option of submitting two versions, a confidential and a redacted public version of case related documents submitted for filing. The redacted public filing shall be identified by the indication “REDACTED PUBLIC VERSION” in capital letters on the cover page of the document above the title. The submitter of a public redacted version shall ensure that all confidential information is removed from the document and is replaced by the word “REDACTED” in square brackets.⁶
8. The status of filings may be changed by an order or decision from a Chamber, a Judge, or the President. A submitting Party may change the status of its filed document by a public notification which shall be submitted for filing. Following the filing of the order, decision or notification on the Case file, the CMSS Court Records Office shall adjust the status accordingly.

Article 28 bis

Case-related documents submitted for filing by a State or Other External Entity

In the event a State or external entity submits a document for filing without any indication as to whether the document should be filed publicly, confidentially and/or *Ex Parte*, the concerned Court Officer shall contact the relevant Diplomatic Mission of that State or the external entity to confirm the status of the document before filing. In the event that it involves a document with an urgent deadline, and the information regarding the status of the document can not be obtained within a reasonable time, the Court Officer is to file the document confidentially pending final resolution of the status, unless directed by the Judge or Chamber to file it publicly. The CMSS Court Records Office will stamp the status on the document.

PART XII: PUBLIC ACCESS TO JUDICIAL RECORDS OF THE TRIBUNAL

Article 29 [Deleted]

Article 30 Public Access to the Judicial Records of the Tribunal

1. CMSS shall provide access to all public documents related to Court proceedings. This access shall be free of any charges, subject to the provisions of Article 18 of the CMSS Directive. Access to public exhibits admitted during an ongoing trial shall be at the direction of the Chamber.

⁶ Confidential Appeals Chamber Decision in the Martic case , IT-95-11-A : “**Order** the Appellant to make the necessary redactions by substituting all confidential information with the word “redacted” in both the electronic and the paper versions of the corrected Public Appellant’s Brief, including any electronic filings”

2. Subject to Rules 53, 75, 79 and 81 of the Rules, CMSS shall ensure reasonable access during normal business hours and remote access via the internet at any time through the Tribunal website to the following:
 - a. all case related documents filed on the Case file by the CMSS Court Records Office with a public status;
 - b. public transcripts of hearings from no later than the sixth working day following the hearing; and
 - c. public evidence disclosed during proceedings and declared admissible by the Trial Chamber in open court as authorised by the respective Chamber.

3. The following are strictly confidential and shall not be disclosed unless otherwise ordered in writing by a Judge or Chamber:
 - a. materials or documents relating to the hearings held in accordance with Rule 75 (B) of the Rules;
 - b. materials or documents subject to an Order for non-disclosure in accordance with Rule 53 of the Rules;
 - c. supporting materials to the indictment in accordance with Rule 47 of the Rules, which shall not be made public at the time the indictment is publicly disclosed nor at the time the materials are made available to the accused;
 - d. all confidential written witness statements used in conjunction with hearings pursuant to Rule 61 of the Rules, even if such documents are relied upon by the Trial Chamber in making its decision;
 - e. materials or documents which identify personal information pertaining to staff of the Tribunal such as (business or personal) telephone numbers, e-mail address, home address, and passport numbers; and
 - f. Rule 70 materials which are confidential or which are presented in closed or private session.

PART XIII: SCHEDULING JUDICIAL ACTIVITIES

Article 31 Calendar

1. CMSS is responsible for maintaining a current calendar of all scheduled hearings of the Tribunal, including pre-trial and *65 ter* conferences, and providing notice of that schedule to the Parties, Chambers and others affected by the calendar (for example: the Registry, CLSS, Security, etc.).

2. A copy of the calendar of the scheduled hearings shall be posted on the Tribunal website and circulated to the relevant Parties and staff members. The Court calendar shall be updated as required.

Article 32
Scheduling

1. CMSS, in consultation with the Bureau, Chamber, Judge or duly authorised Chambers staff shall schedule the date, time and venue of hearings before the Tribunal for each case.
2. The date, time and venue of a hearing already scheduled in accordance with paragraph 1 above may be adjusted by CMSS at the instance of the Bureau, Chamber, Judge or, duly authorised Chambers staff.

Article 33
Trial Management Meeting

CMSS may schedule a meeting before the start of a trial, inviting the Parties and Chambers for the purpose of discussing with the Chambers and the Parties on the functioning of the courtroom and other practical matters pertaining to the proceedings and conduct of trial.

Article 34
[Deleted]

Article 35
[Deleted]

Article 36
Failure to Comply with an Order

The Registrar shall inform the President, the assigned Judge or Chamber, as soon as the Registrar becomes aware of non compliance with an order issued by the President, a Judge, or Chamber.

PART XIV: HEARINGS

Article 37
Management of Hearings

1. CMSS is responsible for making all necessary arrangements for pre-trial and trial hearings and pre-trial and trial conferences held at the seat of the Tribunal.
2. CMSS shall, in cooperation with the Chamber, or Judge and the Parties, make all necessary arrangements for hearings and conferences held outside the seat of the Tribunal such as video links and site visits.
3. CMSS shall be responsible for providing judicial support services required during all hearings and conferences held either in public, private or closed session.

Article 37 *bis*
General Principles Governing the eCourt System

1. eCourt is a system that stores documents in electronic format and allows Parties in Court to present their documents in electronic format during hearings.
2. CMSS is responsible for the overall implementation of the eCourt system according to the standards and requirements set forth in the “Provisional Practice Direction on the Application of an Electronic Court Management System, IT/239 Rev. 1;” (“eCourt Directive”).

Article 38
Court Officer

1. A Court Officer represents the Registrar in every Court proceeding and shall be present to provide court management, judicial support and other assistance that falls within the functions of the Registry.
2. Upon the request of Chambers, a Court Officer may be present at every Rule 65 *ter* meeting.
3. The Court Officer assigned to a case shall file the final confidential and public versions of the exhibits and witness lists when a case is completed.
4. The Court Officer assigned to a case shall, after a notice of appeal pursuant to Rule 108 has been filed in a case, file a Certificate of the Trial Record pursuant to Rule 109 of the Rules.
5. Other responsibilities of a Court Officer shall include: publishing and managing documents in eCourt during court proceedings, entering relevant data in NEMS, drafting minutes of sittings and plenaries where required pursuant to Rule 35 of the Rules ensuring documents and other materials admitted into evidence by the Trial Chamber are properly recorded, stored and maintained, approving documents filed under NEF, facilitating the implementation of Rule 71, 81 *bis*⁷ and 92 *bis* (b)⁸ of the Rules and performing other functions indicated in the Court Officers’ work plan.

Article 39
Exhibits

1. Items submitted for evidence are entered as exhibits only after they have been admitted by the Chamber.
2. In managing exhibits, the Court Officer shall ensure that:
 - a. the Parties shall submit exhibits in accordance with the “eCourt Directive”;

⁷ In accordance with the: “*Registry Guidelines on Site visits*”, dated 22 March 2010.

⁸ In accordance with IT/192 “*Practice Direction on Procedure for the Implementation of Rule 92bis (b) of the Rules*”, dated 20 July 2001.

- b. all exhibits received and admitted in each day's proceedings are properly secured in eCourt, the JDB, the Judicial Archives Unit and where applicable, the physical custody of CMSS; and
- c. the list of all exhibits admitted during the proceedings is up to date in eCourt and the official public and Confidential versions of the exhibit list are filed in the Case file.

Article 40
Witness Lists

The Court Officer shall maintain and keep up to date confidential and public lists of all witnesses called by the Chamber and the Parties. The final official lists shall be filed in the Case file pursuant to Article 10 of the CMSS Directive.

Article 41
[Deleted]

Article 41 *bis*
New Electronic Minutes System (NEMS)

NEMS may be used to produce various reports, including: witness reports, testimony minute details, and Registry minutes of Court proceedings.

PART XV: HEARINGS CONDUCTED IN OTHER VENUES OR ELECTRONICALLY

Article 42
Meetings away from the Seat of the Tribunal

If authorised pursuant to by Rule 4 of the Rules, the Chamber may decide to sit at any venue other than the seat of the Tribunal. CMSS shall, in accordance with Article 37 (2) of the CMSS Directive, make all necessary arrangements for hearings of this nature. When the Chamber is authorized to change venue pursuant to Rule 4 of the Rules, then arrangements will be established in accordance with the Registry Guidelines.

Article 43
Deposition and Testimony by Video-Conference Link

1. The Trial Chamber may order that a witness be heard by means of deposition or a video conference pursuant to Rules 71, or 81 *bis* respectively. CMSS shall make the necessary arrangements for this hearing.
2. A Court Officer shall be appointed by either the Chief or Deputy Chief of CMSS on behalf of the Registrar, to represent the Registry at the hearing.

ANNEX I TO IT/121/ REV.2

Fee Schedule – Request For Assistance

Time per page (Minutes)		
	Transcript	Exhibit
Locate/ Search	0.04	0.84
Convert to pdf	0.21	0.21
Stamping	0.01	0.01
Total Minutes per Page	0.26	1.06

Labour Costs (€)		
	Salary per hour	Salary per minute
Professional Level	38.16	0.64
General Services Level	23.76	0.40

Document Cost: 1 page (€)		
	Transcript	Exhibit
Professional Level Cost per page	0.17	0.68
General Services Cost per page	0.10	0.42
CD (per unit)	0.42	0.42

Audio-Visual Request Costs (€)		
	Professional	General Services
Labour per minute	0.64	0.40
DVD (per unit)	0.47	0.47
CD (per unit)	0.42	0.42

Hard Copy Requests: Additional Charges (€)		
	Quantity	Price
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

Additional Costs		
Shipping	To be determined according to size of request	
Admin Fee	13% of total cost	