

SHORT GUIDE FOR FILING OF DOCUMENTS BEFORE THE MECHANISM

1. General:

The procedure for inclusion of documents submitted for filing into the judicial records of the Mechanism is regulated by the Practice Direction on Judicial Records MICT/42 (“Practice Direction”). Please consult the Practice Direction for guidance on standard filing procedures, including information on the use of case number suffixes. If further clarification is required, please contact the relevant branch of the Mechanism Registry by sending an e-mail to the Judicial Filings Inbox at the respective branches:

Mechanism Arusha email address:

JudicialFilingsArusha@un.org

Mechanism The Hague email address:

JudicialFilingsHague@un.org

2. Submission of filings:

- A. A document submitted for inclusion into judicial records of the Mechanism (“document”) should be transmitted electronically to the Registry through the dedicated Mechanism Judicial Filings inbox as indicated above. In exceptional circumstances where an electronic submission of a document for filing is not possible, a hard copy document may be accepted.
- B. Documents submitted for filing must be accompanied by the standardised transmission sheet, available on the following web page: <https://www.irmct.org/en/documents/requests-assistance>.
- C. A document shall be submitted in one of the working languages of the Mechanism (English or French) unless otherwise provided for by the Rules or a judicial order.
- D. A submitted document must have an accurately indicated case number, security classification level, date and signature.
- E. Annexes to documents should be submitted as follows:
 - When a document and its annex(es) have the same security classification level (i.e. the document and annex(es) are all public, all confidential, or all confidential and *ex parte*), they should be submitted as a single electronic file.
 - For documents that include annex(es) with a security classification level different from the main document (e.g. the main document is public but has

a confidential Annex A, and a confidential and *ex parte* Annex B), a separate electronic file must be submitted for each, indicating the security classification level.

- Each Annex must have a cover page identifying it as the Annex in question (Annex A, Annex B, Annex C, ...) and indicating the appropriate security classification level.
- For documents too large to submit as email attachments (typically 10 MB for UN accounts), please contact the relevant branch of the Registry at the email above for advice on the most appropriate manner of submission.

F. Cross-filing procedure:

Should a document be intended to be filed in more than one case, the submitter shall list the relevant case numbers on the transmission sheet and cover page of the filing. N.B.: The Registry will file such document into each case file listed on the cover page and indicated on the transmission sheet. The document will be processed and paginated in each case independently in accordance with the Practice Direction.

3. Service of filings:

The Registry shall serve copies of all filings electronically on the relevant Chamber, Parties, and other designated recipients, observing any restrictions for filings designated as confidential and/or confidential and *ex parte*.

4. Official filing hours (in the time zones of each respective branch):

- A. The official filing hours of The Hague Registry are 9:00 a.m. to 4:00 p.m. CET/CEST, Monday through Friday, excluding official UN holidays in The Hague. Documents may be submitted by email 24 hours per day, seven days per week.
- B. The official filing hours of the Arusha Registry are 8:30 a.m. to 4:30 p.m. EAT Monday through Thursday and 8:30 a.m. to 1:00 p.m. EAT on Fridays, excluding official UN holidays in Arusha. Filings may be submitted by email 24 hours per day, seven days per week.
- C. Documents submitted during official filing hours will be filed and processed on the day that they are submitted to the Registry, and those submitted and received after official filing hours will be filed and processed the next business day.

- D. Documents submitted after official filing hours on the last business day of the week or after official filing hours preceding a UN holiday will be distributed on the next business day.
- E. Should service of the filing within the timelines indicated above in 4(C) not be possible, the Registry will inform the submitting entity as soon as possible about the expected delay and the reasons for it.
- F. The filing date of a document is the date that it was received as indicated by the date and time in the Registry's dedicated Judicial Filings inbox at the respective branch. Please note that any electronic document submitted for filing received after official filing hours but before midnight, local time at the respective branch of the Mechanism will be considered as filed with the date on which it was received in the dedicated Judicial Filings inbox. However, the document will be distributed the next working day.
- G. If a document submitted for filing is re-submitted before the original version has been processed by the Registry, the date and time of receipt of the document for filing purposes is one of its latest re-submissions.

5. Identification of the security classification level and review of case-related documents submitted for filing:

- A. The submitting entity is responsible for identifying the security classification level of the document submitted for filing. The Registry will conduct only a summary review of documents submitted for filing to ensure that the technical requirements for submission are met. The review will not include an examination of the content of the document to determine whether it contains confidential and/or confidential and *ex parte* information.
- B. The submitted document shall reflect the designated security classification. Filings that contain confidential or confidential and *ex parte* information shall be identified by the indication "CONFIDENTIAL" or "CONFIDENTIAL AND *EX PARTE*" in capital letters on the cover page of the document above the title. Filings submitted 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 filing shall reflect those Parties to whom the filing shall be distributed. The security classification level must also be indicated on the transmission sheet.
- C. For confidential and confidential and *ex parte* documents, the submitting entity should endeavour to promptly submit a public redacted version where feasible. The public redacted version of the document shall be identified by the indication "PUBLIC REDACTED VERSION" in capital letters on the cover page of the

document above the title. It is a separate, newly created document. The submitter of a public redacted version shall ensure that all confidential information (including any larger part of the document or an annex which is envisaged to remain confidential/redacted) is removed from the document and is replaced by the word “REDACTED” in square brackets, where possible.

- D. If the text cannot be replaced with the words “REDACTED”, the submitting entity may need to submit the original document with electronically manipulated or blacked-out portions of the text. Such a document should be submitted for filing as an annex to a notice on filing the public redacted version of the document or any other kind of cover submission.
- E. When preparing electronically manipulated or blacked-out portions of the text of the original document, the submitting entity must ensure that the electronically manipulated or blacked-out portions of the text are not reversible or electronically searchable.
- F. Once a document is filed on the record, security classification levels may only be changed after judicial authorisation. Following the filing of the order or decision on reclassification, the Registry shall amend the classification and re-distribute the filing accordingly.
- G. In case of any security concerns detected or brought to the attention of the Registry by a relevant Chamber or a Judge, the President, or the Parties, the Registry may temporarily restrict access to the filing in question pending judicial determination.
- H. Certain confidential or confidential and *ex parte* filings require restricted access due to their sensitive nature. The submitting entity must notify the Registry and provide a designated Registry representative with either a hard copy or an electronic document, a justification for limited access, and a list of individual recipients. The restricted access will remain in effect until a specified date or event unless the President or the Chamber orders otherwise.