

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-03/09

Date: 19 November 2013

TRIAL CHAMBER IV

Before: Judge Joyce Aluoch, Presiding Judge
Judge Silvia Fernández de Gurmendi
Judge Chile Eboe-Osuji

SITUATION IN DARFUR, SUDAN

**IN THE CASE OF
*THE PROSECUTOR v. ABDALLAH BANDA ABAKAER NOURAIN***

Public

**Decision on the Prosecution's Application for Redactions; the Common Legal
Representative Request for Disclosure; the Defence Request for
Reclassification; and**

**Decision establishing simplified proceedings related to future applications for
non-disclosure.**

Decision to be notified, in accordance with regulation 31 of the *Regulations of the Court*, to:

The Office of the Prosecutor

Ms Fatou Bensouda, Prosecutor

Mr Adebowale Omofade, Trial Lawyer

Counsel for the Defence

Mr Karim A.A. Khan

Mr Nicholas Koumjian

Legal Representatives of Victims

Ms Hélène Cissé

Mr Jens Dieckmann

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Herman von Hebel

Deputy Registrar

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Others

Trial Chamber IV (“Trial Chamber” or “Chamber”) of the International Criminal Court (“Court”) in the case of *The Prosecutor v. Abdallah Banda Abakaer Nourain*, acting pursuant to Articles 54(3)(f), 57(3)(c), 61, 64(3), 67 and 68(1) of the Rome Statute (“Statute”); Rules 77, 81(2),(4) and 87 of the Rules of Procedure and Evidence (“Rules”) and Regulation 42 of the Regulations of the Court (“Regulations”), issues the following Decision on the Prosecution’s Application for Redactions (“Application”);¹ the Common Legal Representative Request for Disclosure;² and the Defence Request for Reclassification.³ In addition, the Chamber establishes simplified proceedings related to future applications for non-disclosure.

I. Background and submissions

1. On 6 March 2013, the Trial Chamber issued the *“Decision concerning the trial commencement date, the date for final prosecution disclosure, and summonses to appear for trial and further hearings”*.⁴ The Chamber ordered the Office of the Prosecutor (“the prosecution”) to disclose evidence to be relied on at trial pursuant to Rule 76 of the Rules, together with its final list of witnesses and evidence. The Chamber further ordered that the prosecution disclose all Article 67(2) evidence and provide all Rule 77 material, currently in its possession, to the defence for Mr Banda (“defence”) for inspection.⁵

¹ Prosecution’s Application for Redactions Pursuant to Rules 81(2) and 81(4) of the Rules of Procedure and Evidence, 21 October 2013, ICC-02/05-03/09-516-Conf-Exp and confidential Annexes “A” to “E”, *ex parte*, only available to the prosecution. On 28 October 2013, the prosecution filed a public redacted version of the Application; ICC-02/05-03/09-516-Red.

² Requête des Représentants Légaux Communs Aux Fins de Divulgarion de la Déclaration du Témoin Du Procureur P467 et Aux Fins de Prorogation de Délai pour Répondre à la Version Publique Expurgée de la Requête de la Défense Aux Fins de Mettre Fin au Procès, 24 September 2013, ICC-02/05-03/09-505-Conf-Exp.

³ Defence request concerning ICC-02/05-03/09-505-Conf-Exp, 14 October 2013, ICC-02/05-03/09-514-Conf.

⁴ Decision concerning the trial commencement date, the date for final prosecution disclosure, and summonses to appear for trial and further hearings, 6 March 2013, ICC-02/05-03/09-455.

⁵ *Ibid*, paragraph 25 (iv).

2. On 2 May 2013, the prosecution permitted the defence's inspection, *inter alia*, of the statements of witnesses DAR-OTP-P-0467 ("P-467") and DAR-OTP-P-0471 ("P-471") by effecting disclosure of Rule 77 package 12.⁶ On 31 July 2013, the prosecution disclosed Rule 77 package 15 to the defence, containing three additional annexes relating to Witness P-471 that had inadvertently been omitted on 2 May 2013.⁷
3. On 5 September 2013, the defence for Mr Abdallah Banda Abakaer Nourain filed the "Public Redacted Version of 'Defence Request for Termination of Proceedings'" ("Request")⁸ basing its submissions, *inter alia*, on the statements of Witnesses P-467 and P-471.⁹
4. On 27 September 2013, the prosecution stipulated in its response to the defence's application for termination of proceedings that the statements of Witness P-467 and Witness P-471 had been disclosed to the defence with redactions applied to the names of the witnesses' family members as well as the names of prosecution staff. The prosecution stated that it would file a "retroactive" application with the Trial Chamber, seeking authorisation for the reductions already made by the prosecution.¹⁰
5. On 24 September 2013, the common legal representative of victims ("CLR") filed a confidential *ex parte* request seeking *inter alia* disclosure of Witness P-467's statement.¹¹ On 30 September 2013, the CLR filed a confidential redacted version

⁶ ICC-02/05-03/09-516-Red, paragraph 3.

⁷ ICC-02/05-03/09-516-Red, footnote 2.

⁸ Defence Request for Termination of Proceedings, 3 September 2013, ICC-02/05-03/09-503-Conf and Public Redacted Version of Defence Request for Termination of Proceedings, 5 September 2013, ICC-02/05-03/09-503-Red.

⁹ ICC-02/05-03/09-503-Red, paragraphs 1 and 44.

¹⁰ ICC-02/05-03/09-516-Red, paragraph 4.

¹¹ ICC-02/05-03/09-505-Conf-Exp.

of this request.¹²

6. On 4 October 2013, upon the Chamber's instruction,¹³ the prosecution indicated that they did not oppose the disclosure of Witness P-467's statement to the CLR.¹⁴ The prosecution requested, firstly, the maintenance of the same minimal redactions that were applied when the statement was disclosed to the defence and, secondly, the issuance of an order to the CLR prohibiting any dissemination of the statement beyond the immediate team of the CLR. In turn, on the same date, the defence deferred to the prosecution's analysis.¹⁵
7. On 14 October 2013, the defence filed a request asking the Chamber, pursuant to regulation 23bis(3) of the Regulations, to reclassify the CLR filing of 24 September 2013 as "confidential", or in the alternative, order the CLR to file "a lesser redacted version of the *ex parte* request".¹⁶
8. On 15 October 2013, the Chamber instructed the prosecution to file a request justifying the redactions already applied to the statements of Witness P-467 and Witness P-471 by no later than 21 October 2013.¹⁷
9. On 21 October 2013, the prosecution filed the retroactive Application,¹⁸ seeking authorisation, pursuant to Rules 81(2) and 81(4) of the Rules, to redact from the witnesses statements, the annexures and metadata of Witnesses P-467 and P-471, the place of residence of Witness P-467, the identities of the witnesses' family members and the names, signatures and initials of two prosecution investigators

¹² Version Expurgée de la Requête des Représentants Légaux Communs Aux Fins de Divulcation de la Déclaration du Témoin Du Procureur P467 et Aux Fins de Prorogation de Délai pour Répondre à la Version Publique Expurgée de la Requête de la Défense Aux Fins de Mettre Fin au Procès, soumise le 24/09/2013 (ICC-02/05-03/09-505-Conf-Exp), 30 September 2013, ICC-02/05-03/09-505-Conf-Red.

¹³ Email from the Legal Officer of the Chamber to the parties on 1 October 2013 at 14:43.

¹⁴ Email from the Case Manager of the prosecution to the Legal Officer of the Chamber on 4 October 2013 at 11:10.

¹⁵ Email from the Legal Assistant for the Defence to the Legal Officer of the Chamber on 4 October 2013 at 09:48.

¹⁶ ICC-02/05-03/09-514-Conf.

¹⁷ ICC-02/05-03/09-516-Red, paragraph 4.

¹⁸ ICC-02/05-03/09-516-Conf-Exp.

and one prosecution and Registry interpreter.

10. On 29 October 2013, the defence indicated that it did not oppose the prosecution's Application.¹⁹
11. On 4 November 2013, the CLR responded to the request filed by the defence on 14 October 2013,²⁰ in which she opposed the defence requests for reclassification or, in the alternative, the lifting of redactions.

Prosecution's Request for Redactions Pursuant to Rule 81(2)

12. The prosecution seeks authorisation to redact, pursuant to Rule 81(2), the names and signatures of the prosecution investigators and the interpreter contained in the statements of Witnesses P-467 and P-471 and in the eCourt metadata fields: "Source Identity/Chain of Custody".²¹
13. The prosecution contends that the redactions are sought to protect information relating to its on-going investigations and submits that the Chamber in making its decision should consider the same general factors, *mutatis mutandis*, as are considered in requests for non-disclosure pursuant to Rule 81(4), namely: "a thorough consideration of the danger that the disclosure of the information may cause; the necessity of the non-disclosure, including whether it is the least intrusive measure necessary to avoid prejudice to the investigations of the Prosecutor; and the fact that any measures taken shall not be prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial".²²
14. The prosecution submits that the disclosure of the names and identities of

¹⁹ Email from the Legal Assistant to the Defence to the Legal Officer of the Chamber on 29 October 2013 at 09:53.

²⁰ Réponse des Représentants Légaux Communs à la Requête de la Défense concernant ICC-02/05-03/09-505-Conf-Exp, 4 November 2013, ICC-02/05-03/09-519-Conf.

²¹ ICC-02/05-03/09-516-Red, paragraph 5.

²² ICC-02/05-03/09-516-Red, paragraph 6. Refers to *Prosecutor v. Germain Katanga*, Judgment on Katanga's Appeal against the First Redaction Decision, ICC-01/04-01/07-476 OA2, 13 May 2008, paragraph 59.

prosecution and court staff that may, at this stage of the proceedings, be required to return to regions experiencing on-going conflict in order to meet with witnesses and collect further evidence, renders them easily traceable and results in an increased risk to both the staff and to the prosecution's on-going investigations.²³

15. The prosecution submits that redactions of this kind have previously been authorised by the Chamber and that the Chamber has held that such redactions do not affect the defence's ability to use the relevant disclosed documents.²⁴

Prosecution's Request for Redactions Pursuant to Rule 81(4)

16. The prosecution seeks authorisation to redact, pursuant to Rule 81(4) of the Rules, the place of residence of Witness P-467, the name of the spouse of Witness P-471 and the names of the parents of both Witness P-467 and Witness P-471.²⁵
17. The prosecution contends that the redactions requested pursuant to Rule 81(4) are necessary as the disclosure of the information would pose an objectively justifiable risk to the safety and security of the relevant persons. The prosecution submits that the spouses and parents of Witnesses P-467 and P-471 are not in any way connected to the activities of the Court and that their names, as well as the place of residence of Witness P-467, are irrelevant to the contested issues in this case.²⁶ It is submitted that the disclosure of this information would pose an objectively justifiable risk to the safety and security of the relevant persons and their physical and psychological well-being, and unnecessarily infringe upon the rights to privacy of the individuals and their families.

²³ ICC-02/05-03/09-516-Red, paragraph 7.

²⁴ ICC-02/05-03/09-516-Red, paragraph 7.

²⁵ ICC-02/05-03/09-516-Red, paragraph 8.

²⁶ ICC-02/05-03/09-516-Red, paragraph 9.

18. The prosecution submits that there are no less intrusive alternative measures that can be taken to avoid the risks to the safety and security of the relevant persons.²⁷
19. Further, the prosecution submits that at this stage of the proceedings and in light of the nature of most of the redactions sought, the requested redactions are not prejudicial to, or inconsistent with, the rights of the accused person.
20. Finally, the prosecution submits that redactions to the place of residence of other witnesses and to the names of their family members have previously been authorised by the Chamber.²⁸

II. Analysis and conclusions

21. The Chamber is seised of requests for (i) redactions to the names, signatures and initials of two prosecution investigators and one interpreter in the witness statements of Witness P-467 and Witness P-471; and (ii) redactions to the names of both the witnesses' family members and to the place of residence of Witness P-467.²⁹
22. Article 67(2) of the Statute and Rule 77 of the Rules place mandatory obligations on the prosecution to effect disclosure and allow the inspection of material. Items that are potentially material to the defence must be provided as soon as practicable in a format such that they may be effectively used in the investigation and preparation of the defence of the accused person.³⁰ In principle, the material in question should be provided in its *entirety* and *original*

²⁷ ICC-02/05-03/09-516-Red, paragraph 10.

²⁸ ICC-02/05-03/09-516-Red, paragraph 10.

²⁹ Annex A to the Application contains specific references to the precise pages where the redactions have been applied and they do not need to be replicated in this decision.

³⁰ Decision on the prosecution's request for non-disclosure or redactions of material relating to Witnesses 304, 305, 306 and 312, 19 December 2011, ICC-02/05-03/09-265-Red, paragraph 20.

*form.*³¹

23. The requirements that have to be met to authorise the non-disclosure of information have been set out by the Chamber in its previous decisions on this matter.³² Thus far, the redactions sought have been assessed and authorised on a case-by-case basis with specific regard to the rights of the accused.³³ The Chamber has analysed whether the prosecution has sufficiently justified its request for the non-disclosure of information.³⁴

(i) Redactions to the names of prosecution and Registry staff pursuant to Rule 81(2)

24. In this section, the Chamber will analyse the Application and the accompanying Annexes in relation to the request for redactions to the names, signatures and initials of two prosecution investigators as well as one prosecution and Registry interpreter who were present during the interviews of Witnesses P-467 and P-471.

25. The Chamber is satisfied, pursuant to Rule 81(2), that the disclosure of the names, signatures or initials of the prosecution and/or Court staff could endanger not only the safety of the abovementioned individuals, but also the prosecution's on-going investigations. The Chamber considers that the redactions do not violate the right of the accused to a fair trial as the redactions to the names, signatures and initials of the prosecution field staff and the prosecution and Registry interpreter do not affect the substance of the

³¹ ICC-02/05-03/09-265-Red, paragraph 20.

³² ICC-02/05-03/09-265-Red, paragraph 29. The Chamber referred to: (i) the existence of an "objectively justifiable risk" to the safety of the person concerned or which may prejudice further or on-going investigations; (ii) the risk must arise from disclosing the particular information to the accused; (iii) the infeasibility or insufficiency of less restrictive protective measures; (iv) an assessment as to whether the redactions sought are "prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial" and (v) the obligation to periodically review the decision authorising the redactions should circumstances change.

³³ ICC-02/05-03/09-265-Red, paragraph 30.

³⁴ ICC-02/05-03/09-265-Red, paragraph 31.

documents and are irrelevant to the contested issues on the basis of the information known at this stage.³⁵ The Chamber is satisfied that these redactions do not affect the defence's ability to use the documents and the defence does not oppose to the proposed redactions.

26. Accordingly, the Chamber grants the requested redactions pursuant to Rule 81(2) of the Rules.

(ii) *Redactions to the names of the witnesses' family members and to the place of residence of Witness P-467 pursuant to Rule 81(4)*

27. In this section the Chamber will analyse the Application and the accompanying Annexes in relation to the request for redactions to the place of residence of Witness P-467, the name of the spouse of Witness P-471 and the names of the parents of both Witness P-467 and Witness P-471.

28. The Chamber notes that the prosecution refers to a decision of the Chamber which granted similar redactions, taking into account the volatile security situation in the Republic of the Sudan and the fact that the Government of Sudan does not cooperate with the Court.³⁶ The Chamber fails to understand how the redactions sought in this Application are justified by referring to the security situation in, and lack of cooperation from, the Sudan in circumstances where the witnesses and their family members do not reside in the Sudan.

29. However, the Chamber considers that this information is irrelevant in the present proceedings. In relation to the place of residence of Witness P-467, the Chamber underlines that, if the defence wishes to contact the witness, it is free to do so following the appropriate procedure as stipulated by the Chamber in its

³⁵ ICC-02/05-03/09-265-Red.

³⁶ ICC-02/05-03/09-516-Red, paragraph 10.

previous decision.³⁷ These redactions do not affect the understanding and legibility of the statements. The redactions protect the privacy of the individuals involved without affecting the right of the accused to a fair trial. Importantly, the defence does not oppose the Application.

30. Accordingly, the Chamber grants the requested redactions pursuant to Articles 54(3)(f), 67(2) and 68(1) of the Statute and Rule 77 of the Rules.

(iii) The CLR's Request for Disclosure and additional submissions from the CLR on the defence's request for termination of the proceedings

31. The CLR requests disclosure of Witness P-467's statement³⁸ and the parties³⁹ do not oppose such a request under the condition that the same redactions, which have been discussed above, are applied vis-à-vis the CLR. The Chamber grants the requested redactions pursuant to Articles 54(3)(f), 67(2) and 68(1) of the Statute and Rules 77 and 81(2) of the Rules and orders the disclosure of the statement to the CLR in redacted form.

32. The prosecution additionally requested an order prohibiting the dissemination of the redacted statement beyond the CLR's immediate team. It is the jurisprudence of the Chamber that, when the circumstances so require, the CLR may be requested not to disclose information to the victims she represents.⁴⁰ The Chamber is of the view that, given the information involved, and pending the

³⁷ Decision on the Protocol on the handling of confidential information and contact of between a party and witnesses of the opposing party, 18 February 2013, ICC-02/05-03/09-451 and annex.

³⁸ Requête des Représentants Légaux Communs Aux Fins de Divulgarion de la Déclaration du Témoin Du Procureur P467 et Aux Fins de Prorogation de Délai pour Répondre à la Version Publique Expurgée de la Requête de la Défense Aux Fins de Mettre Fin au Procès, 30 September 2013, ICC-02/05-03/09-505-Conf-Red. A confidential redacted version was filed on 30 November 2013.

³⁹ Email from the Case Manager of the prosecution to the Legal Officer of the Chamber on 4 October 2013 at 11:10; Email from the Legal Assistant for the Defence to the Legal Officer of the Chamber on 4 October 2013 at 09:48.

⁴⁰ Order on reclassification of document ICC-02/05-03/09-473 as confidential, 22 May 2013, ICC-02/05-03/09-477-Conf, paragraphs 6 and 7 (iv); Decision on protective measures, 16 July 2013, ICC-02/05-03/09-491-Conf, paragraph 17.

Chamber's decision on the victim's access to confidential information in the case, it is appropriate to order the CLR not to disclose Witness P-467's redacted statement beyond the CLR's immediate team.

33. Pursuant to Regulation 28 of the Regulations of the Court, the CLR is allowed to file additional observations on the defence's Request as far as they relate to Witness P-467's statement. To this end, the CLR is not to repeat the observations she made in her previous submission ICC-02/05-03/09-509-Corr. The defence, if it so wishes, may reply to the CLR's additional observations.

(iv) The Defence's Request for reclassification or lifting redactions of 14 October 2013

34. The Chamber notes the CLR's submission that the redactions she has applied are necessary to safeguard the professional secrecy, the confidentiality of information, including its sources of information, and to maintain the trust of, and relationship with, the victims she represents.⁴¹

35. Having analysed the redactions applied by the CLR and bearing in mind Regulation 23 *bis* (3) of the Regulations, the Chamber is persuaded by the above justifications and, accordingly, the Defence request of 14 October 2013 is rejected.⁴²

(v) Simplified proceedings related to future applications

36. The Chamber is seised of, and has authorised above, requests for redactions concerning three categories of information: (i) identifying and contact information of investigators; (ii) identifying and contact information of translators and interpreters; and (iii) identifying and contact information of

⁴¹ Réponse des Représentants Légaux Communs à la Requête de la Défense concernant ICC-02/05-03/09-505-Conf-Exp, 4 November 2013, ICC-02/05-03/09-519-Conf. paragraph 22 *et seq.*

⁴² Defence request concerning ICC-02/05-03/09-505-Conf-Exp, 14 October 2013, ICC-02/05-03/09-514-Conf.

family members of witnesses.

37. As set out above, in deciding whether the redactions should be authorised the Chamber has assessed the request on a case-by-case basis taking into account and meriting the specific justifications advanced by the requesting party.

38. In order to expedite the disclosure process, the Chamber has on occasion instructed the prosecution to disclose to the defence, witness statements in the proposed redacted form, prior to the Chamber's assessment of the proposed redactions.⁴³ This practice has been consistent with the approach of other Chambers of this Court.⁴⁴

39. As regards the current Application, the prosecution has disclosed to the defence the documents involved in redacted form, and it has retroactively requested the authorisation of the implemented redactions.⁴⁵ This procedure, in the view of the Chamber, has facilitated the expeditious conduct of the proceedings.

40. The Appeals Chamber ruled that redaction applications must be approved by the Chamber on a "case-by-case basis" and that the Chamber is not vested "with the competence to pre-determine the merits of future applications for authorisation of non-disclosure pursuant to rule 81 (4) of the Rules".⁴⁶ However,

⁴³ Decision on the prosecution's request for non-disclosure or redactions of material relating to Witnesses 304, 305, 306 and 312; ICC-02/05-03/09-265-Red, 16 December 2011, paragraph 6.

⁴⁴ Decision on the Prosecution's Request for Non-Disclosure of Information in Six Documents, 25 July 2011, ICC-01/04-01/06-2763-Red; Order on disclosure of evidence by the Office of the Prosecutor, 4 November 2009, ICC-01/05-01/08-590, paragraph 6.

⁴⁵ ICC-02/05-03/09-516-Red, paragraph 4.

⁴⁶ *The Prosecutor v. Thomas Lubanga Dyilo*, Judgment on the Prosecutor's appeal against the decision of Pre-Trial Chamber I entitled "Decision Establishing General Principles Governing Applications to Restrict Disclosure pursuant to Rule 81 (2) and (4) of the Rules of Procedure and Evidence, 13 October 2006, ICC-01/04-01/06-568, paragraph 39. See also *The Prosecutor v. Thomas Lubanga Dyilo*, Judgment on the appeal of Mr Thomas Lubanga Dyilo against the decision of Pre-Trial Chamber I entitled "First Decision on the Prosecution Requests and Amended Requests for Redactions under Rule 81", 14 December 2006, ICC-01/04-01/06-773, paragraph 51; *The Prosecutor v. Germain Katanga and Mathieu Ngudjolo Chui*, Judgment on the Appeal of the Prosecutor against the decision of Pre-Trial Chamber I entitled "First Decision on the Prosecution Request for Authorisation to Redact Witness Statements", 13 May 2008, ICC-01/04-01/07-475, paragraph 66; Judgment on the appeal of Mr Mathieu Ngudjolo against the decision

the Chamber notes that a case-by-case assessment has been required in relation to specific disclosure disputes which were brought before the Chamber.⁴⁷

41. In the view of the Chamber, in circumstances where the parties are provided a full opportunity to seize the Chamber with any requests to review the implemented redactions and the parties choose not to exercise that right, an individualised assessment of the redactions to the information falling under any of the three categories spelled out at paragraph 36 above should no longer be considered mandatory. This procedure is applicable in situations where: (i) disclosure has been effected; (ii) the reasons justifying the implemented redactions have been made available to the other party; and (iii) both parties are satisfied that a case-by-case assessment by the Chamber is unnecessary and do not seize the Chamber with any requests to review the implemented redactions.
42. An instance of *inter partes* disclosure of material containing redactions that fall within one or more of the three categories spelled out at paragraph 36 above needs to be accompanied by a disclosure note filed with the Chamber and setting out the reasons justifying the implemented redactions. In case a dispute emerges between the parties as to the implemented redactions, the parties are free to seize the Chamber, which will then review the opposed redactions.
43. For the reasons set out above, the Chamber:

- (i) **grants** the prosecution's Application for redactions;
- (ii) **grants** the CLR's Request for disclosure and directs the prosecution to disclose the approved redacted version of Witness P-467's statement

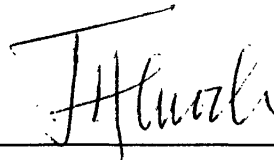
of Pre-Trial Chamber I entitled "Decision on the Prosecution Request for Authorisation to Redact Statements of Witnesses 4 and 9", 27 May 2008, ICC-01/04-01/07-521, paragraph 35.

⁴⁷ See *The Prosecutor v. William Samoei Ruto and Joshua Arap Sang*, Decision on the protocol establishing a redaction regime, 27 September 2012, ICC-01/09-01/11-458, paragraph 14.

to the CLR;

- (iii) **directs** the CLR not to disclose Witness P-467's redacted statement outside her immediate team;
- (iv) **directs** the CLR to file no later than 21 November 2013 additional observations on the Request (ICC-02/05-03/09-503-Conf) in accordance with the guidance provided in paragraph 33;
- (v) **directs** that any reply by the defence to the CLR's additional submissions shall be filed no later than 25 November 2013;
- (vi) **rejects** the Defence's request for reclassification or lifting redactions of 14 October 2013; and
- (vii) **directs** the parties to follow the simplified procedure for requests for redactions as set out in paragraphs 36 to 42 of the present decision.

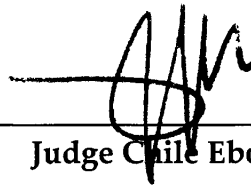
Done in both English and French, the English version being authoritative.



Judge Joyce Aluoch
Presiding Judge



Judge Silvia Fernandez de Gurmendi



Judge Chile Eboe-Osuji

Dated this 19 November 2013

At The Hague, The Netherlands