

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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No.: ICC-02/04-01/15

Date: 10 June 2015

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN UGANDA

**IN THE CASE OF
*THE PROSECUTOR v. DOMINIC ONGWEN***

Public

with Confidential, *EX PARTE*, only available to the Prosecution Annex A

**Prosecution's Submission Concerning Redactions to ICC-02/04-01/15-14-US-Exp-
AnxA**

Source: The Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the Regulations of the Court to:

The Office of the Prosecutor

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Legal Representatives of Victims

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

Counsel Support Section

Victims and Witnesses Section

Detention Section

Victims Participation and Reparations Section

Other

Introduction

1. The Office of the Prosecutor (“the Prosecution”) submits herewith its proposal concerning the redactions to document ICC-02/04-01/15-14-US-Exp-AnxA pursuant to article 54(3)(e) of the Rome Statute (“the Statute”) and rule 81 of the Rules of Procedure and Evidence (“the Rules”).

Procedural Background

2. On 4 June 2015, following the Single Judge’s “Order concerning the level of classification of documents in the record of the case”¹ and “Order reclassifying documents in the record of the case”,² the Prosecution filed its supplementary submission on the level of classification pursuant to regulation 23*bis* of the Regulations of the Court and redactions to documents in the case record pursuant to article 54(3)(e) and (f) of the Statute and rule 81 of the Rules (“Supplementary Submission”).³
3. In Annex A to the Supplementary Submission⁴ the Prosecution considered, among others, the level of classification of document ICC-02/04-01/15-14-US-Exp-AnxA.⁵ As noted in the Supplementary Submission, this document was initially filed under record number ICC-02/04-01/05-22-US-Exp-AnxA in the case of the *Prosecutor v. Joseph Kony et al.* as Exhibit A to the Prosecution’s “Application Proposing Treatment of Submissions, Transcripts, and Decisions which are Currently Sealed, in the Event that Warrants of Arrest are Unsealed”.⁶ In its Supplementary Submission the Prosecution suggested that in light of the

¹ ICC-02/04-01/15-219.

² ICC-02/04-01/15-238.

³ “Prosecution’s Supplementary Submission Concerning Levels of Classification and Redactions Further to its Filing of 7 May 2015”, ICC-02/04-01/15-240.

⁴ ICC-02/04-01/15-240-Conf-Exp-AnxA.

⁵ ICC-02/04-01/15-240-Conf-Exp-AnxA, p.9, row 15 where the Prosecution noted that this document contains suggestions and reasons for proposed redactions to a number of documents contained in ICC-02/04-01/15-14-US-Exp-AnxB (the latter is also addressed in Annex A to the Prosecution’s Supplementary Submission – see ICC-02/04-01/15-240-Conf-Exp-AnxA, p.9, row 14).

⁶ ICC-02/04-01/05-22-US-Exp.

principle of publicity of proceedings a redacted version of this filing with lesser redactions than those initially proposed⁷ be made available to the public. The Prosecution noted that while certain parts of the document should remain redacted, given the nature of the information contained therein, other sections may now be made available to the public.⁸ The Prosecution submitted that it would provide a redacted version of this document to the Single Judge for consideration in due course.⁹

Submissions

4. The Prosecution proposes that the following information in document ICC-02/04-01/15-14-US-Exp-AnxA should remain withheld from the public pursuant to article 54(3)(e) of the Statute, as well as rules 81(2) and 81(4) of the Rules: (i) information submitted on the condition of confidentiality; (ii) internal security processes of the Office of the Prosecutor; (iii) information related to the protection of victims and witnesses.¹⁰

Annex A

5. Annex A to the present submission contains ICC-02/04-01/15-14-US-Exp-AnxA with those redactions that the Prosecution proposes to remain in place, marked accordingly. The relevant page numbers and categories of redactions applied are set out in an annotation contained in Annex A to the present submission.

Confidentiality level

6. Pursuant to regulation 23*bis* of the Regulations of the Court, the Prosecution requests that the Annex to the present submission be received by the Single

⁷ In ICC-02/04-01/05-22-US-Exp, para.1, the Prosecution had suggested that this filing is unsealed, except for the last column of the chart contained therein, setting forth the reasons for the proposed treatment and redactions to content.

⁸ This conclusion is in line with the Prosecution's submissions on the level of classification of documents contained in a related filing, namely ICC-02/04-01/15-14-US-Exp-AnxB (see *supra*, fn.5).

⁹ ICC-02/04-01/15-240-Conf-Exp-AnxA, p.9, row 15.

¹⁰ See the annotation in confidential Annex A, *ex parte*, only available to the Prosecution to the present submission.

Judge as “confidential, *ex parte*, only available to the Prosecution” due to the considerations advanced by the Prosecution therein and the level of confidentiality of the filing.



Fatou Bensouda,
Prosecutor

Dated this 10th day of June 2015
At The Hague, The Netherlands