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TRIAL CHAMBER I

Before:

**Judge Geoffrey Henderson, Presiding Judge
Judge Olga Herrera-Carbuccia
Judge Bertram Schmitt**

SITUATION IN COTE D'IVOIRE

IN THE CASE OF

THE PROSECUTOR v. LAURENT GBAGBO AND CHARLES BLE GOUDE

Public

Defence Response to the “Request to maintain redactions to the identifying and contact information of intermediaries mentioned in the applications of dual status individuals” (ICC-02/11-01/15-85)

Source: Defence of Mr Charles Blé Goudé

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

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Introduction

1. The Defence of Charles Blé Goudé (“the Defence”) respectfully presents to Trial Chamber I (“the Chamber”) its response to the Common Legal Representative’s (“CLR”) “Request to maintain redactions to the identifying and contact information of intermediaries mentioned in the applications of dual status individuals” pursuant to the Rome Statute (“the Statute”) and the Rules of Procedure and Evidence (“the R.P.E.”).

I. Procedural history

2. On 15 December 2014, the Single Judge of Trial Chamber I (“the Single Judge”) issued the “Decision on the Protocol establishing a redaction regime” in the case of *The Prosecutor v. Laurent Gbagbo* (“the Redaction Decision”), which set the redaction regime to be followed in the *Gbagbo* case and accompanied by a redaction protocol appended in the annex to said Decision (“the Redaction Protocol”).¹
3. On 11 March 2015, the Chamber granted the “Prosecution’s Request to join the cases of *The Prosecutor v. LAURENT GBAGBO* and *The Prosecutor v. Charles BLE GOUDE*” (“the Joinder Decision”).²
4. On 17 March 2015, the Defence and the Defence of Laurent Gbagbo filed respective requests seeking leave to appeal the Joinder Decision.³
5. On 22 April 2015, the Chamber rejected both requests for leave to appeal the Joinder Decision.⁴
6. On 7 May 2015, the Chamber issued the “Order setting a commencement date for trial”, directing the Prosecution to disclose *inter alia* all incriminatory

¹ ICC-02/11-01/11-737.

² ICC-02/11-01/15-737-AnxA.

³ ICC-02/11-01/15-01.

⁴ ICC-02/11-01/15-5; ICC-02/11-01/15-6.

material to be relied on at trial, as well as all article 67(2) and rule 77 material in its possession for inspection to the two Defence teams no later than 30 June 2015.⁵

7. On 8 June 2015, the Prosecutor disclosed, under rule 77, applications for participation of dual status witnesses to the Defence. All the applications were disclosed in a redacted version pursuant to category B.3. of the Redaction Protocol upon request of the CLRV.⁶
8. On the same date, the CLRV filed the “Request to maintain redactions to the identifying and contact information of the intermediaries mentioned in the applications of dual status individuals.”⁷

II. Applicable law

9. Under article 67(2) of the Statute and rules 76 and 77 of the R.P.E. the Prosecution shall disclose to the Defence all incriminatory material as well as items, which are material to the preparation of the Defence. Rules 81 and 82 of the R.P.E. define the limited circumstances that merit restrictions on disclosures.⁸ Any determination authorizing redactions must not contravene article 68 of the Statute, which expressly conditions the use of protective measures such that they are never “prejudicial or inconsistent with the rights of the accused and a fair and impartial trial.”⁹
10. In light of these *inter partes* disclosure obligations, the Single Judge in the case of *The Prosecutor v. Laurent Gbagbo* adopted a Redaction Protocol, which regulates the retention or the lifting of redactions by two procedures, namely

⁵ ICC-02/11-01/15-58, para.25.

⁶ ICC-02/11-01/15-86, para. 3.

⁷ ICC-02/11-01/15-85.

⁸ See ICC-02/11-01/11-737, para. 10.

⁹ Article 68(1) of the Rome Statute.

standard and non-standard redactions.¹⁰ Standard redactions, which correspond to specific categories elaborated upon in the Redaction Protocol apply automatically.¹¹ Non-standard redactions are only authorized through a special application-based procedure, which requires the disclosing party to provide an application to the Chamber justifying the requested redactions.¹² Pursuant to the “Order setting the commencement date of trial,” the Chamber ordered that all applications for non-standard redactions be filed by 2 June 2015.¹³

III. Submission

2. The Defence kindly requests the Chamber to deny the CLRV’s request for the following reasons: (1) under the Redaction Protocol, the CLRV lacks the necessary legal standing to file such a request (2) since none of the standard redaction categories apply in the instant case and since the deadline for applying for non-standard redactions has passed, the Prosecutor is under an obligation to disclose the intermediaries’ identities, (3) the CLRV misstates her role, the concept of dual status witness and the obligations of the Defence.

A. Under the Redaction Protocol, the CLRV lacks the necessary legal standing to file such a request

11. In her request, the CLRV asked the Chamber to maintain redactions with respect to the applications of twelve dual status witnesses pursuant to the Redaction Protocol.¹⁴ In its “Decision on victim participation,” the Chamber drew a clear distinction between participating victims, and dual status witnesses. The Chamber first determined that the CLRV should be consulted with respect to the “lifting of redactions on the applications of participating

¹⁰ ICC-02/11-01/11-737, para. 16.

¹¹ ICC-02/11-01/11-737, para. 16.

¹² ICC- 02/11-01/11-737, para. 23.

¹³ ICC-02/11-01/15-58, para. 23.

¹⁴ ICC-02/11-01/15-85, para. 12.

victims.”¹⁵ However, the Chamber did not draw such a conclusion with respect to dual status witnesses.¹⁶ Due to the fact that such witnesses provide evidence to be relied on during trial, the Chamber found that the disclosure of lesser redacted applications for participating victims who are witnesses shall fall within the purview of the Redaction Protocol pursuant to Rules 76 and 77.¹⁷

12. Since in the instant case the identity of intermediaries who assisted twelve dual status witnesses is at issue, the Defence submits that the Chamber made clear that the CLRV had no standing to make redaction requests because they fall within the ambit of the Redaction Protocol. The Redaction Protocol does not provide the CLRV with any legal basis to request redactions, and instead expressly states that in the case of standard redactions, the disclosing party shall apply them automatically.¹⁸ The receiving party, at any time after receiving the item in question, can request that the Chamber review the standard redaction.¹⁹

13. The automatic nature of such redactions does not allow for the parties or the participants to make any submissions before they are applied. It is only after disclosure is received that the provision provides legal standing to the receiving party, and in the instant case, to the Defence to submit to the Chamber any specific redactions falling under an automatic standard redaction category. Thus, the CLRV is neither in a position to request that the B.3 category apply to intermediaries’ identities and contact information, nor does the Redaction Protocol allow her to submit the matter for judicial adjudication. Thus, the Prosecution erred in applying the category B.3 to the

¹⁵ ICC-02/11-01/11-800, para. 55.

¹⁶ See Ibid, paras.55- 56.

¹⁷ Ibid.

¹⁸ ICC-02/11-01/11-737, para. 16.

¹⁹ ICC-02/11-01/11-737, para. 19.

intermediaries' identities and contact information pursuant to the CLRV's request.

14. Similar to the standard redactions, the non-standard redactions equally foreclose any possibility of the CLRV to seize the Chamber to adjudicate whether such redactions should apply. The application based procedure for non-standard redactions requires that the disclosing party provide an application justifying the requested redaction. In the instant case, it is the representative of the participants in the proceedings that is making such a request. In order for the Chamber to adjudicate the issue, the Prosecution would have to provide such an application to maintain redactions to the intermediaries that assisted the dual witnesses in filling out their participation applications.

B. Since the B.3 standard redaction category does not apply to the requested redactions and the deadline for applying for non-standard redactions has passed, the Prosecutor must disclose the intermediaries' identities

15. The Defence contests the CLRV's claim that the intermediaries fall into the automatic redaction category B.3 for two reasons. Firstly, the CLRV appears to conflate the meaning of "innocent third parties" under the B.3 category and the general term "intermediaries" as used by the CLRV. Secondly, under the justifications required to apply redactions under the B.3 category, the intermediaries who assisted victims in filling out applications do not constitute "individuals who have not agreed to be part of the Court process (and may not even be aware of it)." ²⁰

16. In support of her argument to redact the identifying and contact information of the intermediaries who assisted victim participants, the CLRV argues that

²⁰ ICC-02/11-01/11-737-AnxA, paras. 40-43.

in *The Prosecutor v. Katanga*, the Appeals Chamber found that “intermediaries independently from their specific functions may be included as persons ‘at risk on account of the activities of the Court.’”²¹ Without further scrutiny, this sentence appears to support the CLRV’s argument that the category B.3 of the Redaction Protocol covers the intermediaries in question. However, an analysis of the cited *Katanga* appeals judgment reveals that it is wholly irrelevant in regards to the determination of whether such intermediaries are “persons at risk as a result of the activities of the Court” pursuant to such a category contained in a Redaction Protocol.

17. Instead, the *Katanga* judgment stands for the very general proposition that despite not being expressly stated in Rule 81(4), material may be subject to nondisclosure when it relates to “persons at risk on account of the activities of the Court.”²² Such persons as the CLRV asserts do perform a variety of functions, and are deserving of protection. However, the *Katanga* judgment does not even make mention of “intermediaries,” and thus in no way supports the CLRV’s proposition that the intermediaries in question satisfy the definition of “innocent third parties” under category B.3.

18. To qualify under such a category in the instant case, the disclosing party must substantiate that the individual satisfies the three following cumulative justifications provided by the Protocol:²³

- (1) These individuals have not agreed to be part of the Court process (and may not even be aware of it) and
- (2) are at risk of being perceived as potential witnesses or collaborators with the Court.
- (3) Non-disclosure is necessary to protect their safety, dignity, privacy and well-being.²⁴

²¹ ICC-02/11-01/15-85, para. 19.

²² ICC-01/04-01/07-475, para. 55.

²³ In the Redaction Decision, the Single Judge held that the onus is on the disclosing party to justify the redaction. ICC-02/11-01/11-737, para. 21.

²⁴ ICC-02/11-01/11-737-AnxA, para. 40.

19. These cumulative three factors are not met with respect to the individuals who assisted victims in filling out their applications. The Defence asserts that these intermediaries, due to their role in actively assisting victims in filling out their applications, agreed to be part of the Court process and were very much aware of it. In the instant case, the Single Judge further specified that individuals falling under this category “might unknowingly be processed in the context of the proceedings.”²⁵ The Defence concedes to the CLRV’s statement that such individuals may not have been aware at the time of assistance that the victims may become witnesses.²⁶ Such ignorance is nonetheless unrelated to whether the intermediaries knew that they would be processed in the context of the proceedings due to their free and full consent to cooperate with the Court.

20. The “Guidelines Governing the Relations between the Court and Intermediaries,”²⁷ which the CLRV cites in support of her arguments,²⁸ provide that two of the four aims of the Guidelines are :

to provide transparency and clarity for third parties who may interact with the organs or units of the Court or Counsel; and

to provide guidance on the relationship between the Court and intermediaries.²⁹

The Guidelines further provide that they create rights and duties both for the Court and the intermediaries.³⁰

21. In the instant case, the intermediaries in question are subject to the Guidelines as stipulated by the CLRV.³¹ Thus, the Guidelines whose aim is to ensure

²⁵ ICC- 02/11-01/11-737 , para. 55.

²⁶ ICC-02/11-01/15-8, para. 23.

²⁷ “Guidelines Governing the Relations between the Court and Intermediaries for the Organs and Units of the Court and Counsel working with intermediaries,” March 2014.

²⁸ See ICC-02/11-01/15-85, paras. 22, 48.

²⁹ “Guidelines Governing the Relations between the Court and Intermediaries for the Organs and Units of the Court and Counsel working with intermediaries,” p. 3.

³⁰ *Ibid.*

transparency and guidance as to the relationship between the intermediary and the Court, necessarily entails that the intermediary is aware of the Court process and its role in assisting the Court. Moreover, the creation of rights and duties between the intermediary and the Court involves more than just knowledge of the Court's activity; it also implies that the intermediaries have agreed to be part of the Court process. Therefore, an automatic standard redaction under category B.3 should not apply to those who entered into an agreement with the Court to assist persons participating in the proceedings. This category was intended to protect those individuals who are not aware that the proceedings before the Court concern them.

22. Since these justifications are not fully met, the standard redaction category B.3 does not apply, and the material must be disclosed since the alternative argument of the CLRV, namely the application of non-standard redactions is now moot. Such a result stems from the "Order setting the commencement date of trial," in which the Chamber ordered that all requests for non-standard redactions be submitted before 2 June 2015. Given that as of the date of this filing 23 June 2015, the Prosecution has yet to make such a non-standard redaction request, the request is now precluded by the Chamber's order.

C. The CLRV misstates her role, the concept of dual status witness and the obligations of the Defence

23. *Assuming arguendo* that the Chamber were to entertain the CLRV's request to apply ongoing non-standard redactions to the intermediaries in question, the Defence respectfully submits that the Chamber should reject such a request. Not only does the CLRV fail at substantiating her request, but she also has set forth reasoning based on a misinterpretation of her role, of the concept of dual status witnesses and of the obligations of the Defence.

³¹ ICC-02/11-01/15-85, paras. 22, 48.

24. On several occasions,³² the Defence has recalled the nature of the role attributed to the CLRV as a representative of the participants in the trial, pursuant to the Statute,³³ the R.P.E.³⁴ and the jurisprudence of the Court.³⁵ Such a role is distinct from the roles played by the parties at trial and it attributes rights to the victims that are different from the rights attributed to the Prosecution and to the Defence. In this regard, the Defence notes that the CLRV misconceived her role when filing the request under the alleged legal basis. Indeed, only the disclosing party may request to maintain redactions to disclosed material.³⁶

25. The Redaction Decision as well as the Redaction Protocol address the parties at trial, referring to “*the disclosing party*” and the “*receiving party*”. In the process of disclosure and redaction of evidence at trial, the victims are not involved, which is consistent with their role as participants. The issue of dual status witnesses is not handled by the CLRV, but by the Prosecutor as, by accepting to take part to the proceedings, they became Prosecution witnesses.

26. As stated in the aforementioned paragraphs, the Chamber specifically addressed this issue in the *Gbagbo* case stating that:

“Should additional witnesses apply to participate as victim in the proceedings, the Chamber recalls that, under Rule 76 or 77 of the Rules, it is for the Prosecution to disclose lesser redacted versions with its disclosure obligations and in a manner consistent with the Redaction Decision.”³⁷

27. In short, the CLRV intends to exercise a competence that has not been

³² ICC-02/11-01/15-76, paras. 11-14; ICC-02/11-01/15-27-Conf, paras.19-20.

³³ Article 68 of the Statute.

³⁴ Rules 89 to 93 of the RPE.

³⁵ ICC-01/04-01/07-1665-Corr, 20 November 2009, para. 82: “The victims are not parties to the trial and certainly have no role to support the case of the Prosecution”.

³⁶ ICC-02/11-01/11-737-AnxA, para. 49: “When the disclosing party seeks to apply redactions which are not based on the standard categories discussed above [...]” (emphasis added).

³⁷ ICC-02/11-01/11-800, para. 56 (emphasis added).

attributed to her by the relevant provisions of the applicable law or by the Chamber.

28. Furthermore, the CRLV's submission misinterprets the concept of dual status witness. Through her request, dual status witnesses are referred to as “*dual status individuals*” or simply “*victims*”.³⁸ Such qualifications tend to mislead the legal characterization of dual status witnesses who are not only victims, but have become mainly and primarily witnesses when they have made the decision to take part to the proceedings. It is thus erroneous and unfair to consider them as only victims. More accurately, they should primarily be considered as witnesses, as recalled by the Chamber in the Decision on Victims' participation issued in the *Gbagbo* case:

“Should additional witnesses apply to participate as victims in the proceedings [...]”³⁹

29. The phrasing used by the Chamber to characterize dual status witnesses clearly shows that their primary status is as “*witnesses*” while, secondary, they may apply as “*victims*.” From a semantic perspective, they are called dual status witnesses instead of dual status victims. Their status is also subject to a particular protocol for which the parties, and not the participants, have been invited to file submissions before the Chamber.⁴⁰ Hence, they should not be regarded as victims, but as witnesses.

30. Here, the timing of the transition from the status of victim to witness is of minor importance. Whether an individual who applied as a victim decided to give a witness statement or a witness decided to apply as a victim, the key aspect is that the individual at stake is, for all intents and purposes, a witness. The evidence provided by the witness shall be subject to challenge by the

³⁸ ICC-02/11-01/15-85, paras. 40-59.

³⁹ ICC-02/11-01/11-800, para. 56.

⁴⁰ See ICC-02/11-01/15-26-Conf.

other party at trial through investigation and cross examination. However, any investigation is rendered tremendously difficult when information relating to witnesses is redacted.

31. The very essence of the Defence's rights is to be able to challenge evidence. Such ability, for a major part, depends on investigations related to witnesses.⁴¹ Every time redactions are maintained in witness statements, it precludes the Defence from fully and entirely investigating such witness. For the foregoing reasons, rules on redactions are more flexible when victims' applications are at stake. In this regard, in the *Lubanga* case, the Chamber deemed it necessary to maintain redactions to the identity of intermediaries assisting the victims:

“Non-disclosure of the identities of those who assisted the applicants is necessary in order to protect the applicants, by maintaining their anonymity, pursuant to Article 68(1) of the Statute.”⁴²

32. As the CLRV emphasized, the said decision was issued regarding the applications of 15 victims. However, when dual status witnesses are at stake, the rules on redactions are stricter as redactions may paralyze the Defence's ability to investigate and to challenge evidence. The *Lubanga* Decision emphasized the difference between dual status witnesses and victims when the Chamber determined that on previous occasions it had lifted the redactions concerning the identity of intermediaries because the application forms concerned individuals who were to testify at trial.⁴³ Given the dual status witnesses provide evidence, the Redaction Protocol provides the legal framework for any application for redactions to witness statements and dual status witness' victim application.⁴⁴

33. Pursuant to the Redaction Protocol, the residual category of non-standard

⁴¹ Rule 76 and 77 of the R.P.E.

⁴² ICC-01/04-01/06-2659-Corr-Red, para. 30.

⁴³ *Ibid.*

⁴⁴ See ICC-02/11-01/11-737; ICC-02/11-01/11-737-AnxA.

redactions is contingent upon the necessity for the parties to respect its residual character and not to use it as a “catchall” category which circumvents the standard redaction categories. To this end, several and strict conditions apply, some related to the substance of the redacted information⁴⁵ while others relate to the form that the request to maintain redactions shall take.⁴⁶

34. Concerning the substance of the redacted information, the CLRV holds that the disclosure of the identity and contact information of intermediaries assisting dual status witnesses would pose an *“objective risk to the safety not only of said intermediaries [...], but also of the very victims assisted by them, be they witnesses or not”*.⁴⁷ However, the CLRV fails at substantiating this assertion. She indeed limits her argumentation to comparisons between the status of the intermediaries assisting the Registry, the Prosecution, the victims and the dual status witnesses,⁴⁸ whereas these intermediaries are not comparable given the fact that they fulfill different missions. When considering the intermediaries assisting witnesses, redactions shall be lifted before the beginning of the trial, in order to allow for sufficient and reasonable time for the Defence to investigate.⁴⁹ As previously mentioned, dual status witnesses are not only victims, they are primarily witnesses on whom the Defence needs to conduct investigations in order to provide an adequate discharge of its duties.

35. Regarding the second condition required to apply non-standard redactions, namely *“the risk [that] must arise from disclosing the particular information to the Defence”*,⁵⁰ it appears that the CLRV reflects a misinterpretation of the obligations of the Defence. The CLRV indeed asserts that:

“[...] there are factors indicating that if the identifying and contact information of the

⁴⁵ See ICC-02/11-01/11-737, para. 11.

⁴⁶ See ICC-02/11-01/11-737-AnxA, paras. 3 (ii), 48-50.

⁴⁷ ICC-02/11-01/15-85, para. 43.

⁴⁸ *Ibid.*, para. 44-51.

⁴⁹ Rule 76 of the RPE.

⁵⁰ See ICC-02/11-01/11-737, para. 11.

victims' intermediaries is disclosed to the Defence, the latter may pass said information to others or conduct investigative measures resulting in an increase of the objective risks identified above.”⁵¹

36. Firstly, the CLRV does not substantiate or details the said “*factors*” indicating that the Defence would endanger witnesses' intermediaries. Secondly, like the CLRV herself, the Defence, from a deontological perspective is bound by the Code of Professional Conduct for Counsel⁵² and the obligations applying thereto.

37. Under article 8(1) of the Code of Professional Conduct for counsel:

“Counsel shall respect and actively exercise all care to ensure respect for professional secrecy and the confidentiality of information in accordance with the Statute, the Rules of Procedure and Evidence and the Regulations of the Court”.

38. Concerning the specific topic of victims and witnesses, in accordance with article 29(1) of the Code of Professional Conduct for counsel:

“Counsel shall refrain from intimidating, harassing or humiliating witnesses or victims or from subjecting them to disproportionate or unnecessary pressure within or outside the courtroom.”

39. In this regard, the CLRV seems to overlook the fact that the Defence is, as much as herself, bound by the Code of Professional Conduct for Counsel, which forbids to presume that the Defence would infringe its obligations of secrecy, confidentiality and respect of the victims and witnesses. On the contrary, any assertion according to which the Defence would tend to infringe such obligations shall be proved and substantiated, which the CLRV has failed to do.

40. Besides, the CLRV does not make probable that there is a risk that would arise from disclosing the particular information to the Defence. The condition set in the Redaction Protocol implies that the disclosure of a particular information

⁵¹ ICC-02/11-01/15-85, para. 52.

⁵² Code of Professional Conduct for counsel, ICC-ASP/4/Res.1, 2 December 2005.

would endanger the persons concerned.⁵³ However, the CLRV limits her analysis to general consideration on the information at stake and remains unable to establish a causal connection between said information and any risk that would arise from a disclosure to the Defence.

41. Regarding the third condition to meet in order to request non-standard redactions, the CLRV contends that there would not be any less restrictive protective measures.⁵⁴ This contention remains unsubstantiated as it is based on mere assumptions. Notably, the Defence notes that the final assumption that *“neither the Registry nor the [CLRV] will be able to fulfill their duties if the redactions to the identity and contact information of the intermediaries mentioned in the application forms are lifted”* is stated without any substantiation from the CLRV or from the Registry.

42. Regarding the fourth condition, the CLRV reckons that maintaining the requested redactions would not be *per se* prejudicial to or inconsistent with the rights of the Accused and a fair and impartial trial, arguing that *“apparently, the Prosecution does not intend to rely on said information at trial”*.⁵⁵ Firstly, the Defence would like to recall that, under the Redaction Protocol, non-standard redactions are excluded if they are prejudicial to or inconsistent with, in short, the rights of the Accused. The Redaction Protocol did not introduce an additional condition according to which the prejudice to or the inconsistency with the rights of the Defence should be *per se* unaffected.⁵⁶ The CLRV seems to add an undue restriction to the present condition that has never been contemplated by the Redaction Protocol. Secondly, the fact that *“apparently”* the Prosecutor does not intend to rely on the information for which redaction

⁵³ See ICC-02/11-01/11-737, para. 11: *“(ii) the risk must arise from disclosing the particular information to the Defence...”*

⁵⁴ ICC-02/11-01/15-85, paras. 55-56.

⁵⁵ *Ibid.*, para. 57.

⁵⁶ See ICC-02/11-01/11-737, para. 11: *“(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...”*

is sought at trial is insufficient to preclude the Defence from being granted access to it. At this stage, there is no certainty that said information will not be presented at trial as part of the Prosecution's evidence. Besides, such information may be of tremendous importance for the Defence and, as such, may require investigation.

43. Concerning the procedure to apply for non-standard redactions, as previously discussed, only the parties may apply for such redactions.⁵⁷ Moreover, the Redaction Protocol has set a very concise and detailed procedure to follow for this purpose. Notably, the Chamber imposed the following procedure:

“The application to the Chamber shall include a chart indicating the location of the redaction, its category and the justification.”⁵⁸

44. Finally, non-standard redactions are subject to a case-by-case review by the Chamber,⁵⁹ which that, in the present case, assuming that the CLRV had the power to request non-standard redactions, she should have done it with separate requests following the case-by-case procedure. Thus, the CLRV appears as *ultra vires* and unsubstantiated.

IV. Relief Requested

45. For the foregoing reasons, the Defence requests the honourable Chamber to:

- reject the CLRV's request;
- require the Prosecution to lift any redactions concerning the intermediaries who assisted dual status witnesses, consistent with the Redaction Protocol

⁵⁷ See Section B of the present submissions ; See also ICC-02/11-01/11-737, para. 49: “When the disclosing party seeks to apply redactions which are not based on the standard categories discussed above, disclosure of the relevant material must be accompanied by an application justifying the requested redactions”(emphasis added).

⁵⁸ See *ibid.*, para. 49.

⁵⁹ *Ibid.*, para. 3(ii).



A handwritten signature in dark ink, appearing to read 'Mr. Knoop', is written over a horizontal line. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mr. Knoop, Lead Counsel and Mr. N'Dry, Co-Counsel

Dated this
23 June 2015
At The Hague, the Netherlands