

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

Nº: ICC-02/04-01/15

Date: 15 June 2017

TRIAL CHAMBER IX

Before: Judge Bertram Schmitt, Single Judge

SITUATION IN UGANDA

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

Public

With public annexes 1 to 4

**Registry's Report filing in the record of the case decisions issued by way of email
in May 2017**

Source: Registry

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

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I. Introduction

1. The Registry submits the present report and its seven annexes consisting of email decisions (“Report”) pursuant to the “Decision on Publicity of Case Record” (“Decision”),¹ issued on 7 February 2017 by Trial Chamber IX (“Chamber”).

II. Procedural history

2. On 7 February 2017, the Single Judge issued the Decision, by which it directed the Registry to file in the record of the case a monthly report containing all decisions issued by way of email (‘Monthly Report’).² Additionally, the Single Judge provided criteria for the application of redactions to the email decisions.³
3. The Chamber directed the parties and participants to:
 - a. frame their requests made by email in a way that make their publicity possible;
 - b. indicate the need for specific redactions to certain portions of the emails to the Registry sufficiently in advance of the filing of the Monthly Reports; and
 - c. indicate in the email when emails cannot be made public at all.⁴
4. The Single Judge clarified in the Decision that emails related to the submission of evidence should not be part of the Monthly Reports.⁵
5. On 21 March 2017, the Registry filed its report on the implementation of the “Decision on Publicity of Case Record” (“Registry Report”),⁶ which included the

¹ Trial Chamber IX, Decision on Publicity of Case Record, ICC-02/04-01/15-700, 7 February 2017.

² *Ibid.*, para. 4.

³ Trial Chamber IX, Annex to the Decision on Publicity of Case Record, ICC-02/04-01/15-700-AnxA, 7 February 2017, footnote 1.

⁴ ICC-02/04-01/15-700, para 4.

⁵ *Ibid.*, para. 5.

additional guidelines that were provided by the Chamber and the procedure that was followed to enable the participants to suggest specific additional redactions.⁷

6. On 24 April 2017, the Registry filed its Monthly Report covering the email decisions issued in March 2017.⁸
7. On 2 June 2017, the Chamber provided the email decisions relevant to the month of May 2017.⁹

III. Applicable law

8. For the purpose of the present submission, the Registry considered articles 64(7), 64(10) and 67(1) of the Rome Statute; and rule 137 of the Rules of Procedure and Evidence.

IV. Submissions

9. In the Decision, the Single Judge provided the Registry with guidance as to the application of redactions, where applicable:

“The name of the staff member sending the email on behalf of the Chamber shall be redacted from the body of the email. Further, any private email address shall be redacted. When a decision concludes a chain of emails, these emails shall also be filed in the record of the case. Should the participants wish that specific redactions be applied thereto it shall indicate them to the Chamber and the Registry in a timely manner”.¹⁰

10. In addition, as mentioned in the Registry Report, the Chamber directed that redactions be implemented on:

⁶ Trial Chamber IX, Registry’s Report implementing the “Decision on Publicity of Case Record”, ICC-02/04-01/15-700, 22 March 2017, ICC-02/04-01/15-780.

⁷ *Ibid.*, paras 8 and 9.

⁸ Registry’s Monthly Report implementing the “Decision on Publicity of Case Record”, ICC-02/04-01/15-700, 27 March 2017, ICC-02/04-01/15-793.

⁹ Email from the Chamber’s Assistant Legal Officer to the Court Officer, sent on 2 June 2017, at 16:42.

¹⁰ Trial Chamber IX, Annex A to the Decision on Publicity of Case Record, ICC-02/04-01/15-700-AnxA, 7 February 2017, footnote 1

- the “from”, “to” and “cc” lines of the email headings, except for the reference to the email address “Trial Chamber IX communications”; and
- the names of Registry staff members and team members of the parties and participants, except for the Counsel and the Senior Trial Lawyer.¹¹

11. In order to enable the parties and the participants to suggest specific additional redactions, the Registry followed the procedure that was adopted for the purposes of the Registry Report. Hence, the Registry liaised with the Defence, the Office of the Prosecutor (“Prosecution”), the Office of Public Counsel for victims (“OPCV”) and the Legal Representatives of Victims (“LRV”) by email.¹² Redaction proposals were received¹³ and considered.

12. Accordingly, the Registry applied redactions to emails set forth in the following four annexes:

- **Annex 1:** email sent on 2/5/2017, “Decision on Request for Clarification on Familiarisation Protocol” at 12:18;
- **Annex 2:** email sent on 15/5/2017, “Decision on Request for Copy of E-court Metadata” at 14:59;
- **Annex 3:** email sent on 18/5/2017, “Rule 118(3) Request” at 11:58;

¹¹ ICC-02/04-01/15-780, para 9.

¹² Email from the Registry Court Officer to the Defence, the Prosecution, the LRV and to the OPCV on 06 June 2017 at 16:23.

¹³ CMS received on 6 June 2017 at 17:29 the relevant email response from the Defence; the OPCV on 7 June 2017 at 09:33; the Prosecution on 08 June 2017 at 11:51; the LRV on 08 June 2017 at 12:17.

- **Annex 4:** email sent on 18/5/2017, "Rule 118(3) Request" at 10:28.


Marc Dubuisson, Director, Division of Judicial Services
per delegation of Herman von Hebel, Registrar

Dated this 15 June 2017

At The Hague, The Netherlands