

**Cour
Pénale
Internationale**



**International
Criminal
Court**

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N°: ICC-02/04-01/15

Date: 13 July 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 10

**Registry's Report filing in the Record of the Case Decisions issued by way of
email in June 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 ten 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 (“Registry’s Report”),⁶ which included the additional guidelines that

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

² *Ibid.*, para. 4.

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

⁴ ICC-02/04-01/15-700, para 4.

⁵ *Ibid.*, para. 5.

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

6. On 15 June 2017, the Registry filed its Monthly Report covering the email decisions issued in May 2017.⁸
7. On 30 June 2017, the Chamber provided the email decisions relevant to the month of June 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’s Report, the Chamber directed that redactions be implemented on:

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

⁷ *Ibid.*, paras 8 and 9.

⁸ Registry, “Registry’s Report filing in the record of the case decisions issued by way of email in May 2017”, ICC-02/04-01/15-876.

⁹ E-mail from Trial Chamber IX to the Registry on 30 June 2017 at 16:36.

¹⁰ Trial Chamber IX, Annex A to the Decision on Publicity of Case Record, 7 February 2017, ICC-02/04-01/15-700-AnxA, 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’s Report. Hence, the Registry liaised with the Registry’s Victims and Witnesses Section (“VWS”), 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 I:** email sent on 1 June 2017, “RE: Notice of Disclosure Application to be made tomorrow morning” at 09:22;
- **Annex II:** email sent on 5 June 2017, “Decision on Request for Additional Redaction in T-77” at 12:18;
- **Annex III:** email sent on 5 June 2017, “Order to file confidential lesser redacted versions of applications” at 17:39;
- **Annex IV:** email sent on 6 June 2017, “Decision on Request to Disclose Lesser Redacted Version of Victim Application” at 10:02;
- **Annex V:** email sent on 7 June 2017, “RE: In-court protective measures for UGA-OTP-P-0280” at 14:14;

¹¹ ICC-02/04-01/15-780, para 9.

¹² E-mail from the Registry Court Officer to the VWS on 4 July 2017 at 18:19 and, to the Defence, the Prosecution, the LRV and the OPCV on 5 July 2017 at 16:32.

¹³ The Registry received answers respectively from the VWS on 5 July 2017 at 12:16, the Defence on 6 July 2017 at 11:06; the OPCV on 6 July 2017 at 10:03; the Prosecution on 10 July 2017 at 09:15 and, the LRV on 11 July 2017 at 09:10.

- **Annex VI:** email sent on 8 June 2017, “RE: In-court protective measures for UGA-OTP-P-0280” at 09:43;
- **Annex VII:** email sent on 8 June 2017, “RE: Victim applications filing” at 14:31;
- **Annex VIII:** email sent on 12 June 2017, “Decision Shortening Response Deadline to Part of Request ICC-02/04-01/15-862” at 09:34;
- **Annex IX:** email sent on 12 June 2017, “Direction Specifying Additional Information in Examination Materials Lists” at 09:50;
- **Annex X:** email sent on 12 June 2017, “Decision on Five Lesser Redacted Victim Applications” at 14:17;


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

Dated this 13 July 2017

At The Hague, The Netherlands