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Nº: ICC-02/04-01/15
Date: 30 August 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 3**

**Registry's Monthly Report filing in the Record of the Case Decisions issued by
way of Email in July 2017**

Source: Registry

To be notified, in accordance with Regulation 31 of the Regulations of the Court, to:

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Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
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I. Introduction

1. The Registry submits the present report and its three 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

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

² *Ibid.*, par. 4.

³ Trial Chamber IX, Annex to the Decision on Publicity of Case Record, 7 February 2017, ICC-02/0401/15-700-AnxA, footnote 1.

⁴ ICC-02/04-01/15-700, para 4.

⁵ *Ibid.*, par. 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 were provided by the Chamber and the procedure that was followed to enable the participants to suggest specific additional redactions.⁷
6. On 13 July 2017, the Registry filed its Monthly Report covering the email decisions issued in June 2017.⁸
7. On 2 August 2017, the Chamber provided the email decisions relevant to the month of July 2017.⁹ Attached to its email direction, the Chamber included the proposed redactions to be implemented to its decision of 21 July 2017 on Disputed Redactions to transcripts T-70, T-71 and redaction to T-77.¹⁰

III. Applicable law

8. For the purpose of the present submission, the Registry has considered *inter alia* 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

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 June 2017”, ICC-02/04-01/15-914, 14 July 2017.

⁹ E-mail from Trial Chamber IX to the Registry on 2 August at 14:42.

¹⁰ Annex II, email sent on 21 July 2017 at 12:38, “Disputed Redactions [T-70 and T-71] and redaction to T-77”.

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.¹¹

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

- 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.¹²

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 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.¹³ Redaction proposals were received and considered.¹⁴

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

- **Annex I** : email sent on 7 July 2017, "Decision on Contested Redactions Across Transcripts T-67, T-80, T-83, T-84, T-85 and T-87" at 13:23;

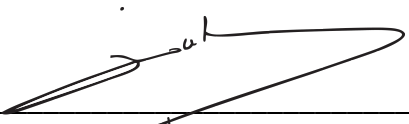
¹¹ Trial Chamber IX, Annex A to the Decision on Publicity of Case Record, 7 February 2017, ICC-02/04-01/15-700-AnxA, footnote 1.

¹² ICC-02/04-01/15-780, para 9.

¹³ Emails sent by the Registry Court Officer on 4 August 2017 at 15:01 and 15:06.

¹⁴ The Registry received answers respectively from the Defence team, on 4 August 2017 at 15:03 and 15:13; from the Prosecution team on 10 August 2017 at 11:54 and 12:08; from the Legal Representative of victims on 10 August 2017 at 17:05; from VWS on 7 August 2017 at 10:13; from the OPCV on 6 August 2017 at 22:54 and 22:56.

- **Annex II:** email sent on 21 July 2017, “Disputed Redactions [T-70 and T-71] and redaction to T-77” at 12:38; and
- **Annex III:** email sent on 27 July 2017, “RE: In-court protective measures for UGA-OTP-P-0218” at 14:43.



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

Dated this 30 August 2017

At The Hague, The Netherlands