

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original : English

N°: ICC-02/04-01/15
Date: 26 January 2021

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 I to VIII

**Registry's Report Filing in the Record of the Case Decisions issued by way of
email from July 2020 to December 2020**

Source: Registry

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

The Office of the Prosecutor

Ms Fatou Bensouda
Mr James Stewart

Counsel for Dominic Ongwen

Mr Krispus Ayena Odongo
Mr Charles Achaleke Taku

Legal Representatives of the Victims

Mr Joseph Akwenu Manoba
Mr Francisco Cox
Ms Paolina Massidda

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

Ms Paolina Massidda
Ms Caroline Walter
Mr Orchlon Narantsetseg

**The Office of Public Counsel for the
Defence**

States' Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. Introduction

1. The Registry hereby submits the present report and its 8 annexes consisting of email decisions ("Report") pursuant to the "Decision on Publicity of Case Record" ("Decision"),¹ issued on 7 February 2017 by the Single Judge of Trial Chamber IX ("Single Judge" and "Chamber" respectively).

II. Procedural history

2. On 7 February 2017, the Single Judge issued the Decision directing 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

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.

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 17 December 2020, the Registry compiled email decisions issued by the Chamber⁸ following the report filed in October 2020.⁹

III. Applicable law

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

IV. Submission

8. 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

9. In addition, as mentioned in the Registry’s Report, the Chamber directed that

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 Email sent by the Head Judicial Operations Unit on 17 December 2020 at 13:06.

⁹ Registry, “Registry’s Report Filing in the Record of the Case Decisions issued by way of email from January 2020 to July 2020”, ICC-02/04-01/15-1749, 2 October 2020.

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.

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.¹¹

10. In order to enable the parties and 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 Office of the Prosecutor (“Prosecution”), the Defence, the Office of Public Counsel for Victims (“OPCV”) and the Legal Representatives of Victims (“LRV”) by email.¹² Redaction proposals were received and considered.¹³

11. Accordingly, the Registry has applied redactions to emails set forth in the following 8 annexes:

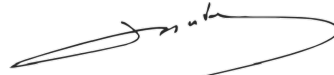
- **Annex I:** email on 14 July 2020, “reclassification of filing ICC-02/04-01/15-620-Conf-AnxB” at 17:25;
- **Annex II:** email on 21 July 2020, “Reclassification of filings ICC-02/04-01/15-248-Conf-Exp and ICC-02/04-01/15-1747-Conf” at 15:31;
- **Annex III:** email on 24 July 2020, “RE: Request for Guidance” at 18:36;
- **Annex IV:** email on 04 August 2020, “Reclassification of filings” at 10:54;
- **Annex V:** email on 12 August 2020, “RE: Ongwen Defence - Page Limit Extension Request” at 12:07;

¹¹ Registry, “Registry’s Report implementing the “Decision on Publicity of Case Record”, 22 March 2017, ICC-02/04-01/15-780, para. 9.

¹² Email sent by the Court Management Section on 22 January 2021 at 15:12 containing annexes I to VIII.

¹³ The Registry received proposals for further redactions from the Prosecution in relation to Annex III on 25 January 2021 at 10:23. The Registry received response from the OPCV on 23 January 2020 at 16:23, Defence on 25 January 2021 at 10:44, and LRV on 25 January 2021 at 11:51 with no proposals for further redactions.

- **Annex VI:** email on 02 September 2020, “Reclassification of filings” at 10:25;
- **Annex VII:** email on 13 October 2020, “Public redacted versions of Defence Rule 68(2)(b) witnesses for the Court's website” at 11:18;
- **Annex VIII:** email on 25 November 2020, “Shortening of response deadline to filing ICC-02/04-01/15-1755-Conf” at 15:46.



Marc Dubuisson, Director of Division of Judicial Services
On behalf of Peter Lewis, Registrar

Dated this 26 January 2021

At The Hague, The Netherlands