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N°: ICC-02/04-01/15

Date: 11 June 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 XV

**Registry's Report Filing in the Record of the Case Decisions issued by way of
email from January 2021 to May 2021**

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 Kripus 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 XV 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

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 first 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 05 May 2021, the Chamber compiled email decisions issued in the period of January 2021 to May 2021 and referred them to the Registry to be filed in the record of the case⁸ following the report filed in January 2021.⁹

III. Applicable law

7. 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. 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

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 Associate Legal Officer on 05 May 2021 at 13:02.

⁹ Registry, "Registry's Report Filing in the Record of the Case Decisions issued by way of email from July 2020 to December 2020", ICC-02/04-01/15-1761, 27 January 2021.

¹⁰ Trial Chamber IX, Annex A to the Decision on Publicity of Case Record, 7 February 2017, ICC-02/04-

9. 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.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 applied redactions to emails set forth in the following XV annexes to the Report:
 - **Annex I:** email on 05 February 2021 "RE: Defence Request about Sentencing Schedule" at 12:16.
 - **Annex II:** email on 17 February 2021 "RE: Request for a visitor to Mr Ongwen via WebEx in Private" at 16:50.
 - **Annex III:** email on 12 March 2021 "RE: CLRV and LRV request on page limit for sentencing submissions" at 12:10.

01/15-700-AnxA, footnote 1.

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 25 May 2021 at 15:24 containing annexes I to XV.

¹³ The Registry received proposals for further redactions from the Prosecution in relation to Annex I, V, VIII and XII on 26 May 2021 at 13:47; from the Defence in relation to Annex I, VIII and XII on 03 June 2021 at 12:39. The Registry received response from the OPCV on 26 May 2021 at 09:05 with no proposals for further redactions.

- **Annex IV:** email on 12 March 2021 “Time limit for responses to filing ICC-02/04-01/15-1791-Conf” at 12:17.
- **Annex V:** email on 12 March 2021 “RE: Upcoming report from D-114” at 12:18.
- **Annex VI:** email on 19 March 2021 “Input on time required for oral submissions at the hearing on sentence” at 16:22.
- **Annex VII:** email on 22 March 2021 “Re: Input on time required for oral submissions at the hearing on sentence” at 18:07.
- **Annex VIII:** email on 23 March 2021 “RE: Request for extension to file specific Rule 68(2)(b) declarations” at 16:09.
- **Annex IX:** email on 29 March 2021 “RE: Request to attend Sentencing Proceedings Remotely from Video Link Location” at 13:36.
- **Annex X:** email on 31 March 2021 “RE: Defence Request for a Modification of the Notification of Attestations by Selected Rule 68(2)(b) Witnesses” at 15:23.
- **Annex XI:** email on 08 April 2021 “RE: Request for Reclassification of Evidence” at 14:01.
- **Annex XII:** email on 26 April 2021 “RE: Request for Reclassification” at 14:47.
- **Annex XIII:** email on 03 May 2021 “RE: Reclassification of Defence Evidence” at 17:31.
- **Annex XIV:** email on 04 May 2021 “RE: RE: Request to attend the Oral Delivery of Sentencing Decision Via Video-link” at 18:11.
- **Annex XV:** email on 04 May 2021 “RE: Request from External Video Crew Filming the Case Proceedings” at 18:12.



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

Dated this 11 June 2021

At The Hague, The Netherlands