

ANNEX 22

PUBLIC REDACTED

From: Pre-Trial Chamber III Communications
 [REDACTED]
Sent: 31 July 2024 11:54
To: [REDACTED]; OTP Kony Communications
Cc: OTP Kony Communications; Kony LRV Team OPCV; [REDACTED];
 [REDACTED]; Chamber Decisions Communication; Court Management-
 Court Records; Pre-Trial Chamber II Communications; D35 Kony Defence
 team
Subject: ICC-02/04-01/05: Instructions as regards Defence access to a confidential
 redacted version of the Ongwen Trial Judgment

Dear Counsel,
 Dear colleagues,

The Single Judge notes that the Prosecution, having secured Trial Chamber II's authorisation 'to give the Kony Defence access to the confidential version of the Ongwen Trial Judgment (ICC-02/04-01/15-1762)', as well as to redact one paragraph of that judgment under rule 81(4), now 'proposes to give the Kony Defence access to the Ongwen trial judgment by way of email but defers to the Single Judge in terms of timing and mode of disclosure'.

The Single Judge notes that Trial Chamber II, in the exercise of its competence as regards access and redactions to any and all documents pertaining to the Ongwen case, authorised the Prosecution to create an additional confidential redacted version of the Ongwen Trial Judgement, ex parte Kony Defence.

The Single Judge clarifies that, to the extent that the Ongwen Judgement qualifies as a document subject to the Prosecutor's disclosure obligations vis-à-vis the Kony Defence in these proceedings, its disclosure must happen in compliance with the disclosure framework which will be issued by Pre-Trial Chamber III in due course, following the receipt of the relevant Defence observations.

By the same token, the Single Judge considers it desirable for the Defence to be able to analyse the Ongwen Judgement as fully as possible as soon as possible, in light of its size and relevance and of the expected amount of disclosure, and notes that, access having been granted by the Trial Chamber, it is now the responsibility of the Registry to technically enable the Kony Defence to consult the judgment.

The Single Judge underscores that this access does not amount to disclosure and is without prejudice to the Prosecution's obligation to comply with any forthcoming disclosure instructions, including in respect of the Ongwen judgment; accordingly, the Prosecution is instructed to await any further instructions before proceeding with access by, or communication to, the Defence of any other document, or with any other disclosure-related matter.

Thank you and kind regards.

On behalf of Judge Alexis-Windsor, Single Judge

From: [REDACTED]
Sent: Monday, July 22, 2024 2:37 PM
To: Pre-Trial Chamber III Communications [REDACTED]
Cc: OTP Kony Communications [REDACTED]; Kony LRV Team OPCV
[REDACTED]; [REDACTED]; [REDACTED]
Subject: Kony case: Disclosure of confidential redacted version of the Ongwen Trial Judgment

[ICC] CONFIDENTIAL

Dear Judge Althea Violet Alexis-Windsor, Single Judge,
Dear Counsel,

On 28 June 2024, the Prosecution requested Trial Chamber II, who has conduct of the *Ongwen* case, to authorise the Registry to give the Kony Defence access to the confidential version of the *Ongwen* Trial Judgment (ICC-02/04-01/15-1762). Further to this request, on 18 July 2024, Judge Maria del Socorro Flores Liera, Single Judge, authorised the Parties to give the Kony Defence access to the judgment, with paragraph [REDACTED] redacted under rule 81(4). The redacted information mirrors the discrete redaction applied to the public redacted version of the judgment.

The Prosecution proposes to give the Kony Defence access to the *Ongwen* trial judgment by way of email but defers to the Single Judge in terms of timing and mode of disclosure.

The Trial Chamber's II orders communicated to the Prosecution by email are set out below for ease of reference.

Respectfully,

[REDACTED]