

ANNEX 25

PUBLIC

From: Pre-Trial Chamber III Communications
Sent: 21 August 2024 16:49
To: Office of the Director DJSS
Cc: OTP Kony Communications; D35 Kony Defence team; Kony LRV Team OPCV; Court Management-Court Records; Associate Legal Officer-Court Officer; Pre-Trial Chamber III Communications; Chamber Decisions Communication
Subject: ICC-02/04-01/05 – Order in relation to ‘Joint submissions on the Defence’s access to documents and proposed redactions’ (ICC-02/04-01/05-516-Conf-Exp) - Public

[ICC] RESTRICTED

Dear colleagues,

The Single Judge notes the Registry and Prosecution ‘Joint submissions on the Defence’s access to documents and proposed redactions’ (ICC-02/04-01/05-516-Conf-Exp) (the ‘Joint Submissions’), filed on 20 August 2024 pursuant to the Single Judge decision ICC-02/04-01/05-514 issued on 12 August 2024, and the requests contained therein to: (i) reclassify filings listed in paragraph 3 of the Joint Submissions as confidential; (ii) issue confidential redacted versions of filings listed in paragraph 4 of the Joint Submissions; and (iii) maintain the current classification of ICC-02/04-01/05-479-Conf-Exp-Anx IV. Furthermore, the Single Judge further notes the proposed redactions as specifically detailed in the Joint Submissions as well as in the email from the Registry to Pre-Trial Chamber III, 20 August 2024, at 18:19.

The Single Judge, having carefully reviewed the relevant filings, the requests and each of the Registry and the Prosecution’s proposals, finds that the request for reclassification to confidential of the documents listed in paragraph 3 of the Joint Submissions and the request to maintain the current classification of ICC-02/04-01/05-479-Conf-Exp-Anx IV are appropriate, as well as that proposed redactions properly comply with the Single Judge’s general instructions that redactions are an exception to the principle of full disclosure and need to be strictly justified in that they are necessary and proportional vis-à-vis the Defence. Therefore, the Single Judge approves the redactions as proposed by the Registry and the Prosecution.

Accordingly, the Single Judge orders that:

1. the following documents be reclassified as confidential, by no later than 23 August 2024:

- ICC-02/04-01/05-436-Secret-Exp-AnxI;
- ICC-02/04-01/05-436-Secret-Exp-AnxII;
- ICC-02/04-01/05-436-Secret-Exp-AnxIII;
- ICC-02/04-01/05-437-SECRET-Exp-AnxI;
- ICC-02/04-01/05-438-SECRET-Exp-AnxV;
- ICC-02/04-01/05-438-SECRET-Exp-AnxVI;
- ICC-02/04-01/05-439-SECRET-Exp-AnxI;
- ICC-02/04-01/05-439-SECRET-Exp-AnxII;

- ICC-02/04-01/05-437-SECRET-Exp-AnxII;
- ICC-02/04-01/05-438-SECRET-Exp-AnxI;
- ICC-02/04-01/05-438-SECRET-Exp-AnxII;
- ICC-02/04-01/05-438-SECRET-Exp-AnxIII;
- ICC-02/04-01/05-438-SECRET-Exp-AnxIV;
- ICC-02/04-01/05-439-SECRET-Exp-AnxIV;
- ICC-02/04-01/05-439-SECRET-Exp-AnxV;
- ICC-02/04-01/05-439-SECRET-Exp-AnxVI;
- ICC-02/04-01/05-440-SECRET-Exp-AnxIII;
- ICC-02/04-01/05-479-Conf-Exp-AnxIII;

2. a confidential redacted version of the following filings, as proposed to the Single Judge in the Joint Submissions and accompanying email, be filed by no later than 23 August 2024:

- ICC-02/04-01/05-436-Secret-Exp;
- ICC-02/04-01/05-437-Secret-Exp;
- ICC-02/04-01/05-438-SECRET-Exp;
- ICC-02/04-01/05-439-SECRET-Exp;
- ICC-02/04-01/05-439-SECRET-Exp-AnxIII;
- ICC-02/04-01/5-440-SECRET-Exp;
- ICC-02/04-01/05-440-SECRET-Exp-AnxI;
- ICC-02/04-01/05-440-SECRET-Exp-AnxII;
- ICC-02/04-01/05-473-US-Exp-AnxII;
- ICC-02/04-01/05-479-US-Exp-AnxII;

3. the current classification of ICC-02/04-01/05-479-Conf-Exp-Anx IV as confidential and *ex parte*, only available to the Registry and the Prosecution be maintained, and the Registry liaise as appropriate with the source with a view to obtaining their views as to its disclosure.

The Single Judge instructs the Registry to implement the present order treating ICC-02/04-01/05-479-Conf-Exp-AnxIII, ICC-02/04-01/05-473-US-Exp-AnxII and ICC-02/04-01/05-479-US-Exp-AnxII as a priority.

Thank you and best regards,

On behalf of Judge Alexis-Windsor, Single Judge