

ANNEX 3

PUBLIC

From: Pre-Trial Chamber III Communications
Sent: 01 November 2024 16:10
To: Court Management-Court Records; Office of the Director DJSS
Cc: OTP Kony Communications; D35 Kony Defence team; Kony LRV Team OPCV;
 Chamber Decisions Communication; Pre-Trial Chamber III Communications
Subject: ICC-02/04-01/05: Order on reclassification of filings – public
Attachments: Kony case - Order relating to the reclassification of filings and their annexes

[ICC] RESTRICTED

Dear Counsel,
 Dear colleagues,

The Single Judge notes that a reclassification exercise of the filings in the case file currently still not publicly available is ongoing, pursuant to email order dated 16 May 2024 (attached). Noting the proposals submitted by the Registry in implementation of this order (in emails dated 21 June 2024, at 21:26; 25 June 2024, at 17:27 and 18:31, and 28 June 2024, at 14:57), the Single Judge orders that:

1) the current classification be maintained for:

- ICC-02/04-01/05-109-Conf-Exp; ICC-02/04-01/05-109-Conf-Exp-tFR;
- ICC-02/04-01/05-120-Conf-Exp;
- ICC-02/04-01/05-123-Conf-Exp;
- ICC-02/04-01/05-128-Conf-Exp;
- ICC-02/04-01/05-217-Conf-Exp;
- ICC-02/04-01/05-241-Conf-Exp and ICC-02/04-01/05-241-Conf-Exp-Corr;
- ICC-02/04-01/05-265-Conf-Exp-Anx1;
- ICC-02/04-01/05-270;
- ICC-02/04-01/05-272;
- ICC-02/04-01/05-314-Conf-Anx1 to 57;
- ICC-02/04-01/05-341-Conf-Exp-Anx1;
- ICC-02/04-01/05-382-Conf-Exp-Anx1 to 13;
- ICC-02/04-01/05-411-Conf-Exp-Anx;
- ICC-02/04-01/05-412-Conf-Exp-Anx1 to 6;
- ICC-02/04-01/05-413-Conf-Exp-Anx1 to 4;
- ICC-02/04-01/05-419-Anx10;
- ICC-02/04-01/05-432-Conf-Exp-Anx I, II and III;
- ICC-02/04-01/05-473-AnxII;
- All applications for participation in the proceedings, including redacted ones as well as related Registry's reports;

2) the following filings be reclassified as public:

- ICC-02/04-01/05-112-US-Exp;
- ICC-02/04-01/05-114-US-Exp;
- ICC-02/04-01/05-117-US-Exp;
- ICC-02/04-01/05-133-Conf;
- ICC-02/04-01/05-220-Conf-Exp;
- ICC-02/04-01/05-244-Conf-Exp;
- ICC-02/04-01/05-245-Conf-Exp;
- ICC-02/04-01/05-246-Conf-Exp;
- ICC-02/04-01/05-253-Conf-Exp;
- ICC-02/04-01/05-261-Conf-Exp;

- ICC-02/04-01/05-263-Conf;
- ICC-02/04-01/05-263-Conf-Anx1;
- ICC-02/04-01/05-265-Conf-Exp;
- ICC-02/04-01/05-292-US-Exp;
- ICC-02/04-01/05-314-Conf;
- ICC-02/04-01/05-341-Conf-Exp;
- ICC-02/04-01/05-374-Conf-Exp;
- ICC-02/04-01/05-382-Conf-Exp;
- ICC-02/04-01/05-432-Conf-Exp;
- ICC-02/04-01/05-500-Conf-Exp-AnxIII;

3) the Registry issues public redacted versions, as proposed to the Chamber, of the following filings:

- ICC-02/04-01/05-65-US-Exp;
- ICC-02/04-01/05-238-Conf-Exp;
- ICC-02/04-01/05-245-Conf-Exp-Anx, only in relation to the name and the signatures, functions should be left unredacted;
- ICC-02/04-01/05-473-Conf-AnxI;

4) the Registry reviews its proposed redactions in the following filings, ensuring that redactions are only applied to confidential information, but all confidential information. For example, reference to 'Victims and Witnesses Unit' or 'VWU' and legal provisions do not need to be redacted, also because referring specifically to the nature of the danger substantiates the justification for withholding the information, while any reference to information or decision that are not available publicly, or which were given under condition of confidentiality should be redacted.

- ICC-02/04-01/05-25-US-Exp;
- ICC-02/04-01/05-110-US-Exp;
- ICC-02/04-01/05-254-US-Exp;
- ICC-02/04-01/05-297-US-Exp;

5) the following filings be reclassified as confidential available to all parties and participants:

- ICC-02/04-01/05-70-Conf-Exp;
- ICC-02/04-01/05-81-US-Exp-Anx1;
- ICC-02/04-01/05-126-US-Exp-Anx;

The Single Judge instructs the Registry to implement points 1) to 5) of this order as soon as feasible and by no later than **13 December 2024**.

6) the Registry to liaise with the relevant authorities in order to consult whether the following filings can be made public, with or without redactions or if they should remain confidential:

- ICC-02/04-01/05-133-Conf-AnxI-AnxV;
- ICC-02/04-01/05-263-Conf-Anx2-Anx3;

Should it not receive any response from the relevant authorities by 28 February 2025, the Registry is instructed to report back to the Chamber by no later than **14 March 2025**.

Finally, in light of the issues having surfaced as regards the classification as 'confidential' of certain documents addressed in the email order dated 14 October 2024, the Single Judge clarifies that the classification of any of the documents addressed in this order as 'confidential', whether maintained or amended, shall mean that the Defence for Mr Kony and the LRV in these proceedings will have access to them.

Thank you and kind regards.

On behalf of Judge Alexis-Windsor, Single Judge