

# Annex 22

## Public Redacted

**From:** Trial Chamber VI Communications  
**Sent:** 20 November 2024 08:58  
**To:** [REDACTED]; Trial Chamber VI Communications  
**Cc:** Associate Legal Officer-Court Officer; OTP CAR IIA Communications; Said LRV Team OPCV; D33 Said Defence Team; Court Management-Transcripts; [REDACTED]  
**Subject:** RE: Request for TCVI guidance on procedure regarding PRV of transcripts

[ICC] RESTRICTED

Dear Registry,

Further to your message below, the Chamber wishes to clarify the amended procedure for producing public redacted versions of transcripts, as laid out in the Decision on Disagreements Regarding Lesser Redacted Versions of Public Transcripts (ICC-01/14-01/21-683) as further developed in an email from the Registry dated 25 April 2024 at 11:34 (Practical Information on Transcript Process).

As stated in the amended procedure, there should be only one public redacted version ('PRV') of each transcript that is published on the Court's website. This is the version containing redactions that have either been agreed between the parties or decided by the Chamber.

It follows that the Registry is not expected to publish a provisional PRVs pending the correction and redaction process. However, the Chamber understands that there have been issues in this regard due to the fact that the parties have not respected the deadlines provided in the amended procedure or due to the fact that the parties have not informed the Registry that they do not wish any redactions to be applied to a particular transcript.

In order to avoid such issues in the future, the Chamber hereby instructs the parties to:

1. Respect the deadlines of the amended procedure.
2. Inform the Registry if it is exceptionally not possible to respect the deadlines, so that the Registry knows that publication will be delayed. The Registry may inform the Chamber in case of frequent or lengthy delays in the redaction process.
3. Inform the Registry no later than at the expiration of the 5-day deadline to propose redactions (#683, para. 15) if neither party proposes any redactions. In that case, the Registry shall publish the ET or CT version, as applicable, with only those redactions that were agreed by the parties or approved by the Chamber during the hearing (#683, para. 14). Passages of the transcript reflecting parts of the hearing which took place in private session will not be redacted. In other words, although it is possible for the parties to agree to keep all passages that took place in private session redacted, this requires their explicit agreement (or approval by the Chamber) and this is not the default position anymore.

In relation to the provisional PRVs that were already published on the Court's website prior to the parties' agreement, the Chamber hereby authorises the Registry to remove them and replace them with the agreed PRVs.

Kind regards,  
Trial Chamber VI

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**From:** [REDACTED]  
**Sent:** Monday, November 18, 2024 3:35 PM  
**To:** Trial Chamber VI Communications [REDACTED]  
**Cc:** Associate Legal Officer-Court Officer [REDACTED] OTP CAR IIA Communications [REDACTED]; Said LRV Team OPCV [REDACTED]  
 [REDACTED] D33 Said Defence Team [REDACTED] Court Management-Transcripts [REDACTED]; [REDACTED]  
 [REDACTED]  
**Subject:** Request for TCVI guidance on procedure regarding PRV of transcripts

[ICC] RESTRICTED

Dear Trial Chamber VI colleagues,

The Registry CMS kindly seeks the Chamber's guidance regarding the transcripts process to be followed by the parties and the Registry in accordance with TCVI Decision dated 31.01.2024 to the ([ICC-01/14-01/24-683](#)).

CMS regularly receives additional *post facto* redactions agreed *inter partes*. Pursuant to the Chamber's Decision 683, paragraph 18 : *'if there's a full agreement, the calling party shall prepare an agreed PRVA within two working days for publication on the Court's website and transmit it to the Registry'*. Paragraph 19 further indicates that : *"If no mutually acceptable solution can be agreed upon within ten working days, the party proposing the contested redaction (s) may seize the Chamber for authorisation"*.

In absence of information from the parties within these deadlines, CMS, to ensure efficiency and proper public registration, typically waits for approximately 25 working days (indicated in the chart communicated to the parties and participants) before publishing and notifying of Public Redacted Versions (PRVs) of transcripts.

CMS has observed that it frequently receives additional *inter partes post facto* redactions for transcripts after this 25-day period. In such cases, CMS removes the previously published PRV from the ICC website and Legal Tools and replaces it with the newly received PRV containing the agreed *post facto* redactions.

In light of this, CMS respectfully seeks the Chamber's guidance on the following points:

- Should CMS continue to publish PRVs of transcripts to the ICC website and Legal Tools in the absence of any indication from the parties or participants that further redaction discussions are ongoing ?
- Alternatively, should CMS refrain from publishing any PRVs of transcripts until the parties and participants confirm their agreement to the Transcripts coordinators and Court officers and

provide an agreed PRV containing the *post facto* redactions?

Additionally, CMS seeks the Chamber's confirmation that should a former PRV of a transcript need replacement by a new *inter partes* agreed version, CMS may *proprio motu*, remove and replace the PRV on the ICC website and Legal Tools without seeking the Chamber's leave.

This approach would also align with paragraph 19 of the [Chamber's Practice Manual](#) : "*If a party or participant discovers that it has disclosed material which should not have been disclosed or should have been disclosed in redacted form, it shall immediately inform the receiving party or participant and the Registry. The Registry shall immediately restrict access to the material in the eCourt database*".

We remain at the Chamber's disposal should any further clarifications be required.

Thank you,

Kind regards,

A black rectangular redaction box covering the signature of the sender.