

ANNEX 2

PUBLIC

From: Pre-Trial Chamber III Communications
Sent: 14 January 2025 14:56
To: OTP Kony Communications
Cc: D35 Kony Defence team; Kony LRV Team OPCV; Office of the Director DJSS; Chamber Decisions Communication; Pre-Trial Chamber III Communications
Subject: ICC-02/04-01/05 – Decision on the ‘Prosecution’s Request for Redactions to the Amended Arrest Warrant Application’ (ICC-02/04-01/05-536-Conf) – public

[ICC] RESTRICTED

Dear Counsel,

The Single Judge notes the ‘Prosecution’s Request for Redactions to the Amended Arrest Warrant Application’ (ICC-02/04-01/05-536-Conf, ‘Request’), whereby the Prosecution requests that discrete redactions be applied to sensitive information contained in the Prosecutor’s Amended Application for Warrants of Arrest Under Article 58 (ICC-02/04-01/05- 531-Conf) (“Amended Application”) and to its Annex H, with a view to ‘safeguard[ing] the identity of Prosecution witnesses as well as the confidentiality of evidentiary materials’, pursuant to rule 81(4) of the Rules of Procedure and Evidence.

The Single Judge recalls the previous decisions relating to the confidentiality of filings issued in this case, inter alia specifying that redactions must be necessary and proportionate and stressing the need that, accordingly, they only apply to confidential information, avoiding redactions to neutral, general and non-identifying terms as well as blanket redactions of entire sentences or large parts of sentences.

The Single Judge considers that, in principle, the proposed redactions to both the Amended Application and its Annex H, as detailed in confidential Annexes A and B to the Request, are justified and appropriate, in light of the relevant circumstances and with a view to either mitigating the risks associated with the disclosure of the identity of the Prosecution witnesses, as illustrated in the Request, or to safeguard the confidential nature of evidence and information.

By the same token, the Single Judge observes that some redactions proposed to the Amended Application consist in redaction of entire sentences (as a matter of example, see first, fourth and sixth alineas in paragraph 72; footnotes 19, 22, 27, 28, 30, and many others; paras 73, 74, 75, 78, 319-320, and many others), entire paragraphs (para. 187; paras 216 to 223, 240 to 247, and many others) and/or of neutral words (see para. 49: ‘explained that’; stated that’; footnote 31, ‘as described by’; paragraph 234, ‘as was described above’, and many others), and typos (see paragraph 225, only part of the name Kony marked in red; similarly, for another name, in para. 273).

Accordingly, the Single Judge:

- (i) instructs the Prosecution to carefully review the proposed redactions to the Amended Application, with a view to ensuring that only confidential information is redacted and that redactions are consistently applied throughout the document;
- (ii) grants the Request, and instructs the Prosecution to file a public redacted version of the Amended Application and its Annex H, with the proposed redactions, as reviewed and implemented in accordance with the above instruction, as soon as possible and no later than **31 January 2025**.

Thank you and kind regards.

On behalf of Judge Alexis-Windsor, Single Judge