

ANNEX 5

PUBLIC

From: Pre-Trial Chamber III Communications
Sent: 24 April 2025 11:01
To: [REDACTED] Office of the Director DJSS
Cc: [REDACTED] [REDACTED] [REDACTED] [REDACTED]
 Associate Legal Officer-Court Officer; OTP Kony Communications; Chamber Decisions Communication; Pre-Trial Chamber III Communications; Kony LRV Team OPCV; D35 Kony Defence team
Subject: ICC-02/04-01/05: Order on the Registry's request for reclassification of filings dated 4 April 2025 and related matters – public

[ICC] RESTRICTED

Dear Registry,

The Single Judge notes the Registry's email dated 4 April 2025, as well as its supplementary communication dated 11 April 2025, both submitted on a confidential *ex parte* basis, requesting reclassification of four documents on the record of the case.

As a preliminary remark, the Single Judge notes the background of the initial request, in particular the existence of a Defence *inter partes* request for disclosure of one of the four documents ([ICC-02/04-01/05-563-Conf-Exp-AnxII](#)), which has since become relevant to the pending Defence request for reconsideration (ICC-02/04-01/05-583), as made clear by the *inter partes* exchanges contained in the confidential Annex to the Prosecution's response to said Request (ICC-02/04-01/05-587 and confidential Annex A thereto).

Having considered the position of the Ugandan authorities as regards document ICC-02/04-01/05-479-Conf-Exp-Anx IV, as well as the Defence request for disclosure and the nature of the information contained in the other three documents addressed in the Registry's request, and mindful of the need to ensure the publicity of the proceedings to the maximum possible extent, the Single Judge finds that there is good cause to expand the disclosure to the three Registry's reports both vis-à-vis the Defence and vis-à-vis the public. Accordingly, the Single Judge orders that:

- (i) ICC-02/04-01/05-479-Conf-Exp-Anx IV be reclassified as public;
- (ii) the following filings be reclassified as confidential:

ICC-02/04-01/05-491-US-Exp-AnxII;
 ICC-02/04-01/05-563-Conf-Exp-AnxII;
- (iii) the Registry issues a lesser redacted confidential version, as proposed to the Chamber in its email dated 4 April 2025, as well as a public redacted version, of the following filing:

ICC-02/04-01/05-479-US-Exp-Anx II; and
- (iv) the Registry issues lesser public redacted versions of the following filings, suppressing redactions to the information relating to the letter from Uganda:

ICC-02/04-01/05-491-US-Exp-AnxII;
 ICC-02/04-01/05-563-Conf-Exp-AnxII.

The Single Judge also notes the Registry's notification that, whilst the information 'was redacted from the defence for cooperation considerations pending clarification by the Republic of Uganda of the classification of its note verbale', it

had mistakenly referred in its report to the need 'to avoid disclosing information related to tracking' as a justification. The Single Judge considers that a corrigendum is neither appropriate nor necessary under these circumstances, namely since all the relevant information (including the Registry's initial erroneous reference) will become publicly available as a result of this public order.

Finally, the Single Judge recalls the oral order issued at the status conference held on 23 July 2024, inter alia instructing the parties (i) to include in the email subject line the case number, the title, and the level of classification; (ii) to use generic email accounts to communicate with the Chamber and avoid sending emails from personal email accounts so as to minimise the need for redactions; (iii) to frame their requests or submissions via email in a way to ensure that they can be classified as public, and (iv), should a level of classification other than public be warranted, to specify the reasons for the applicable classification in the first line of the email communication (ICC-02/04-01/05-T-013-Red, page 25, line 15 to page 26, line 4). The Registry, as well as the parties and participants, are instructed to always comply with the requirements set forth in the order in their communication via email with the Chamber.

Thank you and kind regards,

On behalf of Judge Alexis-Windsor, Single Judge

From: [REDACTED]
Sent: 11 April 2025 20:55
To: Pre-Trial Chamber III Communications [REDACTED]
Cc: Office of the Director DJSS [REDACTED]; [REDACTED]
 [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]
 [REDACTED]; Associate Legal Officer-Court Officer [REDACTED]
 [REDACTED]
Subject: Registry request

[ICC] RESTRICTED

Dear colleagues in Pre-Trial Chamber III,

In view of new information received by the Registry from Uganda, and in relation to the below request for reclassification, the Registry confirms its request to disclose document ICC-02/04-01/05-563-Conf-Exp-AnxII to the defence and proposes to file a more redacted public version . This new request is based on a further communication received from Uganda (ILS15/89/02 dated 4 April 2024) indicating that its note verbale can be made public.

In addition, the Registry hereby informs the Chamber that it was also approached by the Prosecution regarding the justification the Registry used to redact ICC-02/04-01/05-563-Conf-Exp-AnxII. The Registry indicated that this paragraph was redacted from the defence for cooperation considerations pending clarification by the Republic of Uganda of the classification of its note verbale rather than to avoid disclosing information related to tracking. In this regard the Registry is ready to file a corrigendum clarifying the justification for the confidentiality level of this annex.

Kind regards,

[REDACTED]

On behalf of OD-DJS
 Registry

From: [REDACTED]
Sent: 04 April 2025 12:38
To: Pre-Trial Chamber III Communications [REDACTED]
Cc: Office of the Director DJSS [REDACTED]; [REDACTED]; [REDACTED]

[REDACTED]
[REDACTED] Associate Legal Officer-Court Officer [REDACTED]
[REDACTED]

Subject: Reaquest for reclassification and proposed lesser redacted version

Dear colleagues in Pre-Trial Chamber III,

The Registry kindly informs the Chamber that as part of its efforts to liaise with State authorities regarding the level of classification of the documents filed in the case record, the Ugandan authorities have communicated that they have no objections to the full disclosure of the contents of the correspondence dated 22 February 2024 Ref: ADM7/171/01 transmitted to the Registry (annexed in ICC-02/04-01/05-479-Conf-Exp-Anx IV), since the information conveyed thereby is largely in the public domain.

As such, the Registry respectfully requests the Chamber for the reclassification to confidential of the following documents: ICC-02/04-01/05-479-Conf-Exp-Anx IV, ICC-02/04-01/05-491-US-Exp-AnxII and ICC-02/04-01/05-563-Conf-Exp-AnxII; and proposes a lesser redacted confidential version of ICC-02/04-01/05-479-Conf-Anx II-Red.

The proposed lesser redacted confidential version (attached) fully discloses paragraphs 4 and 5 which refer to the Ugandan communication, however, retains the remaining redactions already existing in the confidential redacted version (ICC-02/04-01/05-479-Conf-Anx II-Red). The Registry notes that in the last sentence of paragraph 8 there is a reference to the Ugandan communication yet proposes to maintain this passage redacted to avoid identifying the Registry's source as a family member of Mr Joseph Kony.

Given the joint nature of the tracking of suspects activities, the Registry has liaised with the Office of the Prosecutor which agreed to the proposed request and redactions.

Kind regards,

[REDACTED]

On behalf of OD-DJS, Registry