

ANNEX XXVIII

PUBLIC

[REDACTED]

From: Trial Chamber IX Communications
Sent: 06 July 2018 09:04
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Decision on Defence Request to Reclassify or Maintain Confidentiality of Certain Transcripts

Dear colleagues,

In light of decision ICC-02/04-01/151301-Red (Decision on Defence Request for Protective and Special Measures and Rule 75 Assurances) please lift the temporary restrictions for the transcripts mentioned below.

Kind regards,
 Trial Chamber IX

From: Trial Chamber IX Communications
Sent: 21 June 2018 17:18

To: [REDACTED]
Cc: [REDACTED]
Subject: Decision on Defence Request to Reclassify or Maintain Confidentiality of Certain Transcripts

Dear Registry:

In view of the Defence request by email below, the Chamber will apply a slightly modified version of its General Guideline on Additional Redactions in Transcripts, Email from the Chamber, 26 October 2017, at 16:52 ('Guideline').

Similar to the procedure in part (iii) of the Guideline, Registry is to restrict access to the public versions of transcripts 166, 167, 169 and 170. No further objections are necessary to the reclassification sought, as the participants have already stated their relevant views in the responses to request 1273 (see filings 1283 and 1286). A decision lifting these restrictions or permanently reclassifying the transcripts will be made following the resolution of Defence request 1273.

For transcripts 162 and 163, the Registry has not notified the block redacted versions of these transcripts. Similar to the procedure in part (i) of the Guideline, the Registry need not file the block redacted versions of these transcripts in view of the Defence request below. The 21 day timeline for the proposed final redacted versions of these transcripts shall run from receipt of the present decision.

Best,

Trial Chamber IX

From: [REDACTED]
Sent: 21 June 2018 16:19
To: Trial Chamber IX Communications
Cc: [REDACTED]

[REDACTED]

Subject: Request for re-classification of transcripts to confidential

Dear Trial Chamber,

I am writing on behalf of Counsel to request reclassification of the below transcripts to confidential pending the resolution of ICC-02/04-01/15-1273-Conf:

- ICC-02/04-01/15-T-166-ENG and -FRA
- ICC-02/04-01/15-T-167-ENG and -FRA
- ICC-02/04-01/15-T-169-ENG and -FRA
- ICC-02/04-01/15-T-170-ENG and -FRA

The below transcripts connect the names of D-41 and D-42 with expert reports and discussions with Mr Ongwen. As such, their continued public status moots the efficacy of the measures requested in -1273-Conf and any conclusions that the VWU may come to with respects to their security concerns.

The request could also be satisfied if the names of D-41 and D-42 were redacted in the public transcripts; however, until request -1273-Conf is decided, the Defence notes that this could amount to an un-necessary administrative burden.

The Defence also requests to maintain the confidential status of:

- ICC-02/04-01/15-T-162-CONF-ENG and -FRA
- ICC-02/04-01/15-T-163-CONF-ENG and -FRA

pending the resolution of request -1273-Conf.

The request is merited to ensure that the request to Trial Chamber's and any VWU recommendations in relation to the measures can be given effect.

The Defence notes that the present request departs from the time-frames and regime in the Conduct of Proceedings (ICC-02/04-01/15-497, para. 37) but submits that it is in the interests of justice to grant the request.

The Defence will file an amendment to request ICC-02/04-01/15-1273-Conf or file a new request should the Trial Chamber request it.

Kind regards,
[REDACTED]