

ANNEX XXXV

PUBLIC

[REDACTED]

From: Trial Chamber IX Communications
Sent: 20 August 2018 17:01
To: [REDACTED]
Cc: Trial Chamber IX Communications; [REDACTED]
Subject: Decision on Disputed Redactions to T-158
Attachments: T-158 ENG - OTP and Defence Requests.pdf; T-158 FRA - OTP and Defence Proposals.pdf

Dear Counsel and Registry,

In accordance with paragraph 37 of Decision 497, please see below for the ruling on contested redactions for transcript T-158. All references are to the English transcript, but all rulings must also be reflected in the corresponding parts of the French transcript. Once the appropriate redactions have been implemented, the lesser redacted versions of the transcript can be released.

T-158

(i) *Contested redaction:*

The Defence requests lifting the redactions from page 2, line 23 – page 3, line 12.

Ruling:

The fact that the witness is testifying pursuant to Rule 74 assurances is already in the public domain (see page 3, lines 15-20). The mere fact that the witness is testifying pursuant to Rule 74 assurances does not identify the witness and is not a matter of a confidential nature. Therefore, the redactions are to be lifted.

(ii) *Contested redaction:*

The Defence requests lifting the redactions from page 7, lines 11-15.

Ruling:

The fact that the witness is in the UPDF, without more specific information on what rank he holds, does not risk identifying the witness. Therefore, the redactions are to be lifted.

(iii) *Contested redaction:*

The Defence requests lifting the redactions from page 21, line 16 – page 23, line 24.

Ruling:

The questioning at page 22, lines 4-16, relates to matters of general nature and does not identify the witness. Therefore, the redactions are to be lifted.

However, the questioning at page 21, lines 16-25, and page 22, lines 23-25, to page 23, lines 1-24, identify the witness's position and therefore shall remain redacted.

(iv) *Contested redaction:*

The Defence requests lifting the redactions from page 68, lines 1-19.

Ruling:

The witness was not present when Otti Lagony and Okello Can Odanga were killed and therefore this information does not risk identifying the witness. The redactions are to be lifted.

All other uncontested redactions should be lifted, as proposed by the Prosecution.

Regards,
Trial Chamber IX

From: [REDACTED]
 Sent: 16 August 2018 08:22
 To: [REDACTED] Trial Chamber IX Communications
 Cc: [REDACTED]
 [REDACTED]
 [REDACTED]
 Subject: RE: OTP Proposed Lesser Redacted Version of T-158-Red-ENG

Dear Trial Chamber IX, Prosecution and Legal Representatives,

The Defence for Dominic Ongwen does not object to the requests for lifting of redactions highlighted in **YELLOW** by the Prosecution.

The Defence makes further requests for the lifting of redactions, which are highlighted in **GREEN** in the attached documents. In the explanations below, the Defence makes reference to the English version of the transcript.

Page 2, line 23 to page 3, line 12 --> Nothing in this section reveals the witness's identity or alleged illegal actions by the witness.

Page 7, lines 11-15 --> The fact that the person is in the UPDF does not reveal his identity because his rank and other identifying material are still confidential. [REDACTED]
 [REDACTED]

Page 21, line 16 to page 23, line 24 --> The Defence requests that only parts of this section are lifted. Specific identifying areas are not requested. The areas which are highlighted in green neither reveal the witness's identity nor alleged illegal acts by the witness.

Page 68, lines 1-19 --> As the witness stated that he was not present when Otti Lagony and Okello Can-Odonga were killed, the information does not identify the witness.

Very best,

[REDACTED]

From: [REDACTED]
Sent: Tuesday, August 14, 2018 3:14 PM
To: [REDACTED]
Cc: [REDACTED]
[REDACTED]

Subject: OTP Proposed Lesser Redacted Version of T-158-Red-ENG

Dear all,

In line with the Trial Chamber IX's instructions to propose lesser redactions (ICC-02/04-01/15-497, para. 37), the Prosecution has reviewed the English and French edited versions of transcript T-158 of the 23/02/2018 hearing. The Prosecution proposes to lift the redactions to the portions of the text highlighted in **yellow** in the attachments.

Kind regards,

[REDACTED]

Dévouement - Intégrité - Respect
Dedication - Integrity - Respect