

# **ANNEX XLI**

## **PUBLIC**

**From:** Trial Chamber IX Communications  
**Sent:** 18 October 2018 09:39  
**To:**

Trial Chamber IX Communications;

**Subject:** RE: Disclosure of a lesser redacted version of a victim application

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear parties,

The Chamber hereby authorises the disclosure of a lesser redacted version of the victim application (specified in the non-redacted version of the e-mail below), with the redactions outlined by the Prosecution below.

Kind regards,  
 Trial Chamber IX

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**From:** [REDACTED]  
**Sent:** 17 October 2018 16:57  
**To:** [REDACTED]  
**Cc:** Trial Chamber IX Communications; [REDACTED]  
**Subject:** Disclosure of a lesser redacted version of a victim application

Dear Defence team,

Please see below a redacted version of a request for authorization to disclose to the Defence a lesser-redacted version of a victim's application.

Kind regards,

Dévouement - Intégrité - Respect  
 Dedication - Integrity - Respect

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**From:** [REDACTED]  
**Sent:** 17 October 2018 16:43  
**To:** Trial Chamber IX Communications  
**Cc:** [REDACTED]  
**Subject:** Disclosure of a lesser redacted version of victim application [REDACTED]

Dear Trial Chamber IX,

The Prosecution seeks the Chamber's authorisation to disclose to the Defence a lesser redacted version of victim application [REDACTED]. The request follows the established procedure in the case for disclosure of lesser redacted versions of victim applications (Decision ICC-02/04-01/15-907). A redacted version of this request will be communicated to the Defence shortly.

On 16 October 2018 the Prosecution concluded an interview with victim applicant [REDACTED] with the cooperation of his Legal Representatives. It appears from the details provided by [REDACTED] during the interview that he is the father of D-[REDACTED]: The names of the children & nephew of [REDACTED] correspond to names of the siblings & cousin of D-[REDACTED]. [REDACTED] also accurately named the spouse of D-[REDACTED].

In light of the above, and since [REDACTED] describes the [REDACTED] attack in his application form, the Prosecution assesses that the victim's application form of [REDACTED], with his identity un-redacted, is of rule 77 relevance & disclosable. This assessment was guided by the Chamber's finding that "[a] victim application of a family member of a witness making assertions concerning events about which the witness will give evidence is prima facie relevant for use by the Defence for several purposes..." (ICC-02/04-01/15-907, para 20)

As per standard practice set by the Chamber (ICC-02/04-01/15-907, paragraphs 8, 25, & page 12), when disclosing the application, the Prosecution intends to retain redactions to

- village/parish and identifying numbers appearing on the identity document;
- when a document attesting the kinship or identity is provided, village/parish where the document was compiled as well as names and functions of the persons making the statement; their signatures and stamps; and
- place where the application form was filled in if it refers to a specific place like hotel or guest house.

The legal representatives of [REDACTED] have reviewed and approved the extent of redactions. [REDACTED].

The Prosecution respectfully requests the Chamber to authorise disclosure, to the Defence, of a lesser redacted version of the application form of [REDACTED] with his identity un-redacted.

Kind regards,

[REDACTED]

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