

ANNEX XLIV

PUBLIC

[REDACTED]

From: Trial Chamber IX Communications
Sent: 31 October 2018 15:38
To: [REDACTED] Trial Chamber IX Communications
Cc: [REDACTED]
Subject: Decision on Disputed Redactions to T-99

Dear Counsel and Registry,

In accordance with paragraph 37 of Decision 497, please see below for the ruling on contested redactions for transcript T-99. 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-99

(i) *Contested redaction:*

The Defence objects to the lifting of redactions from page 18, lines 7-9.

Ruling:

[REDACTED]

(ii) *Contested redaction:*

The Defence objects to the lifting of redactions from page 56, line 1.

Ruling:

The Trial Chamber considers the highlights to be accidental as they pertain only to a portion of a sentence in an otherwise confidential exchange. The words [REDACTED] should therefore remain redacted.

(iii) *Contested redaction:*

The Defence requests lifting the redactions in relation to references to “photograph(s)” or “picture(s)” at page 84, line 19; page 85, lines 12-18; page 86, line 25 – page 87, line 1; page 87, lines 19, 23-24; page 89, lines 5-11, 20; page 90, line 19.

Ruling:

The Trial Chamber finds that identifying the item shown to the witness as a photograph, without any further detail, does not disclose any confidential information. The Trial Chamber accordingly finds that these redactions should be lifted. With respect to page 87, lines 18-19, the Defence correctly notes that the corresponding section in the French transcript is page 85, lines 2-3.

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

Regards,
Trial Chamber IX

From: [REDACTED]
Sent: 22 September 2017 09:04
To: [REDACTED] Trial Chamber IX Communications
Cc: [REDACTED]
[REDACTED]

Subject: RE: OTP Proposed Lesser Redacted Version of T-99-Red-ENG

Dear Trial Chamber IX,

The Defence objects to the lifting of the following redaction:

ENG Version	FRA Version	Reason
P. 18, Ins 7-9	P. 17, Ins 25-26	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
P. 56, In 1	N/A	The Defence thinks this is an accidental highlight in the English version as there is no corresponding request in the French Transcript.

The Defence requests the following redactions be lifted:

ENG Version	FRA Version	Reason
P. 84, In 19	P. 81, Ins 19, 23 & 27	The Defence requests the lifting of the redaction for the word "photograph(s)/photographie(s)". There is not logical reason why the Prosecution wants to keep this word redacted as the description of the photographs remain confidential.
P. 85, Ins 12-18	P. 82, Ins 14-23	The Defence does not see why this entire section cannot be unredacted. It does not in any way lead to the identity of the witness.
P. 86, In 25 to 87, In 1	P. 84, Ins 7-8	The Defence requests the lifting of the redaction for the word "photograph/photographie". There is not logical reason why the Prosecution wants to keep this word

		redacted as the description of the photographs remain confidential. The Defence does not see why this entire section cannot be unredacted. It does not in any way lead to the identity of the witness.
P. 87, ln 19	P. 85, ln 3	The Defence requests the lifting of the redaction for the word “photograph/photographie”. There is not logical reason why the Prosecution wants to keep this word redacted as the description of the photographs remain confidential.
P. 87. 23-24	P. 85, lns 10-13	The Defence does not see why this entire section cannot be unredacted. It does not in any way lead to the identity of the witness.
P. 89, lns 5-11	P. 86, ln 25 to P. 87 ln 5	The Defence does not see why this entire section cannot be unredacted. It does not in any way lead to the identity of the witness.
P. 89, ln 20	P. 87, ln 14	The Defence requests the lifting of the redaction for the word “photograph/photographie”. There is not logical reason why the Prosecution wants to keep this word redacted as the description of the photographs remain confidential. The Defence does not see why this entire section cannot be unredacted. It does not in any way lead to the identity of the witness.
P. 90, ln 19	P. 88, ln 11	The Defence requests the lifting of the redaction for the word “every picture/ chaque photo”. There is not logical reason why the Prosecution wants to keep this word redacted as the description of the photographs remain confidential.

Furthermore, the Defence notes that the highlights on P. 87, lns 18-19 (ENG Version) and P. 85, lns 2-4 do not perfectly match. The Defence has highlighted it in yellow and requests that it be unredacted as shown in the attached document.

Finally, the Defence does not object to the redactions highlighted by the Prosecution and not commented on by the Defence.

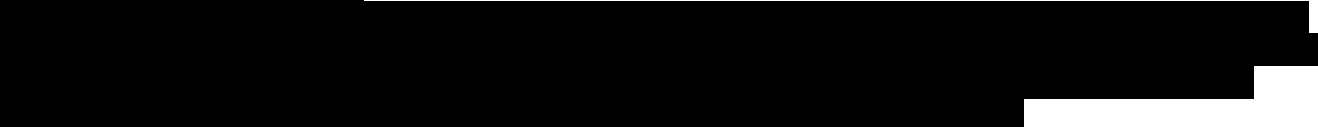
Very best,



From: 

Sent: 18 September 2017 11:15

To: 

Cc: 

Subject: OTP Proposed Lesser Redacted Version of T-99-Red-ENG

Dear All,

In line with 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-99-CONF of the 18/08/2017 hearing. In addition to the heavier redactions requested in its email on 22/08/2017, the Prosecution proposes to lift the redactions to the portions of the text highlighted in the attachments.

The rest of the redactions, as already applied to the public English and French versions of the transcripts, notified respectively on 21/08/2017 should remain in place.

Kind Regards,

[Redacted]



[Redacted]
[Redacted]

International Criminal Court

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