

ANNEX VIII

PUBLIC

[REDACTED]

From: Trial Chamber IX Communications
Sent: 24 September 2019 18:21
To: [REDACTED]
Cc: [REDACTED]
Subject: [REDACTED] Trial Chamber IX Communications;
 reclassification of 18 filings to 'confidential'

Dear colleagues from the Registry,

In light of the request below and pursuant to Regulation 23 *bis*(3) of the Regulations of the Court, the Registry is directed to reclassify the following filings as 'confidential':

ICC-02/04-01/15-268-Conf-Exp-Anx1
 ICC-02/04-01/15-268-Conf-Exp-Anx2
 ICC-02/04-01/15-268-Conf-Exp-Anx3
 ICC-02/04-01/15-268-Conf-Exp-Anx4
 ICC-02/04-01/15-268-Conf-Exp-Anx5
 ICC-02/04-01/15-268-Conf-Exp-Anx6

ICC-02/04-01/15-342-Conf-Exp-AnxI
 ICC-02/04-01/15-342-Conf-Exp-AnxII
 ICC-02/04-01/15-342-Conf-Exp-AnxIII
 ICC-02/04-01/15-342-Conf-Exp-AnxIV
 ICC-02/04-01/15-342-Conf-Exp-AnxV
 ICC-02/04-01/15-342-Conf-Exp-AnxVI

ICC-02/04-01/15-362-Conf-Exp-AnxI
 ICC-02/04-01/15-362-Conf-Exp-AnxII

ICC-02/04-01/15-367-Conf-Exp-AnxI
 ICC-02/04-01/15-367-Conf-Exp-AnxII
 ICC-02/04-01/15-367-Conf-Exp-AnxIII
 ICC-02/04-01/15-367-Conf-Exp-AnxIV

Kind regards,
 Trial Chamber IX

From: [REDACTED]
Sent: 24 September 2019 16:38
To: Trial Chamber IX Communications; [REDACTED]
 [REDACTED]

Subject: FW: Urgent Request for reclassification of annexes to filings 268, 342, 362 and 367 from 'Ex Parte, Defence and Prosecution Only' to 'Confidential'
Importance: High

I send this again, because I have received a notification that the D26, V40 and V41 group emails have not received it. I hope that I have included all recipients by name. My apologies if I have omitted anyone. Perhaps individual teams could check the list of recipients and, if there is an omission, forward it on to them.

From: [REDACTED]
Sent: 24 September 2019 16:25
To: Trial Chamber IX Communications; [REDACTED]
Subject: Urgent Request for reclassification of annexes to filings 268, 342, 362 and 367 from 'Ex Parte, Defence and Prosecution Only' to 'Confidential'
Importance: High

Urgent Request for reclassification of annexes to filings 268, 342, 362 and 367 from 'Ex Parte, Defence and Prosecution Only' to 'Confidential'.

During its examination of upcoming witness D-0013, the Prosecution may refer to audio recordings and the corresponding transcripts of conversations between Dominic Ongwen and D-0013 and other witnesses, made between 25 May and 3 June 2015.

These materials are already part of the case record. They are however currently classified as *Confidential Ex Parte*, only available to the Prosecution and Defence, per [Decision 283](#) issued by the PTC on 3 August 2015. At the time, there were no victim participants in the case and no legal representatives of victims.

The Prosecution requests that the respective audio recordings and transcripts (full list below) be re-classified as *Confidential* so that the Prosecution can refer to them in the presence of both teams of Legal Representatives. It will also enable the latter meaningful participation in the hearing. The Registry filings itself, to which the said recordings and transcripts are annexed, are already available to all participants, who are therefore aware of their existence. The request is based on Regulation 23*bis* paragraph (3) of the Regulations of the Court.

The Prosecution makes the request via email in accordance with previous practice, and in particular given the imminent nature of D-0013's testimony. The Prosecution will however file a formal request if the Trial Chamber directs it to do so.

The Prosecution requests that the following documents be re-classified as *Confidential*:

Filing 268 – Annex 1
Filing 268 – Annex 2
Filing 268 – Annex 3
Filing 268 – Annex 4
Filing 268 – Annex 5
Filing 268 – Annex 6

Filing 342 – Annex 1
Filing 342 – Annex 2
Filing 342 – Annex 3
Filing 342 – Annex 4
Filing 342 – Annex 5
Filing 342 – Annex 6

Filing 362 – Annex 1
Filing 362 – Annex 2

Filing 367 – Annex 1
Filing 367 – Annex 2
Filing 367 – Annex 3
Filing 367 – Annex 4

Regards,

[REDACTED]



[REDACTED]
Senior Trial Lawyer
Office of the Prosecutor
International Criminal Court

[REDACTED]
www.icc-cpi.int

Mail address:

[REDACTED]
[REDACTED]
[REDACTED] The Hague,
Netherlands

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