

ANNEX XX

PUBLIC

From: Trial Chamber IX Communications
Sent: 09 January 2020 13:52
To: [REDACTED]; Trial Chamber IX Communications; [REDACTED]
Subject: Decision on proposed redactions in 'Decision on Submitted Materials for D-0013' and 'Decision on Submitted Materials for D-0134'
Follow Up Flag: Follow up
Flag Status: Completed

Dear parties,
 Dear colleagues in the Registry,

The Chamber notes the Defence comments on the redactions proposed by the Prosecution for D-0134 and that some of the redactions proposed by the Prosecution for the Decision on Submitted Materials for D-0013 are disputed by the Defence.

It takes note of the additional redactions proposed by the Prosecution (email from the Prosecution on 11 December 2019, at 12:02 with two attachments including the requested redactions) and the response by the Defence (email from the Defence on 11 December 2019, at 13:47).

First, with regard to the communication related to D-0134 concerning material to be recognised as formally submitted, the Chamber notes Articles 64(7) of the Statute and the fact that the witness testified without protective measures. Accordingly, the Chamber does not consider that the Prosecution's proposal, commented on by the Defence, needs to be redacted.

Second, with regard to the communication related to D-0013 concerning material to be recognised as formally submitted, the Chamber notes the Defence's objection and previous decisions by the Chamber regarding the redaction of this kind of information. There is no apparent reason to deviate from this conclusion in the current case. Accordingly, the Chamber does not consider that the Prosecution's proposals, which the Defence opposes, need to be redacted.

The remaining redaction proposals are uncontested and can be implemented.

Kind regards,
 Trial Chamber IX

From: [REDACTED]
Sent: 11 December 2019 13:47
To: [REDACTED]
Cc: [REDACTED] Trial Chamber IX Communications
Subject: Re: Filing of Submitted Items in case record

Dear All,

In reference to Annex VIII, the Defence does not really object to the Prosecution's request to redact the witness's name, but Charles Lokwiya testified in public without facial / name / voice distortions, so the Defence does not think these are necessary.

I also noticed that while I attached the correct annex on my part, I labelled it XII instead of XIII in the body of the email. The Prosecution did use the same one that we had sent. Thank you very much [REDACTED] it makes it much easier!

In reference to the additional proposed redactions in Annex XIII from the Prosecution, the Defence does not believe that the redactions in YELLOW are necessary. To quote His Honour, Judge Schmitt, Russel Benjamin Wallace Gumpert, QC, the Court Officer and myself:

THE COURT OFFICER: [12:00:40] We are in private session, Mr President.

MR OBHOF: [12:00:47]

Q. [12:00:50] Now, Ms Witness, what were the names of these other--of your three co-wives?

PRESIDING JUDGE SCHMITT: [12:01:05] Why not in open session?

MR OBHOF: [12:01:07] I'm okay with that, it was just because they had--

PRESIDING JUDGE SCHMITT: [12:01:12] I think there is no problem having this in open session.

Mr Gumpert, do you have a different opinion?

MR GUMPERT: [12:01:17] I don't, [REDACTED]

PRESIDING JUDGE SCHMITT: [12:01:25] Yes, that is of course clear.

MR GUMPERT: [12:01:27] The names themselves are perfectly proper should come out.

PRESIDING JUDGE SCHMITT: [12:01:33] Yes, but I think Mr Obhof is aware of that.

MR GUMPERT: [12:01:35] I'm sure he is.

PRESIDING JUDGE SCHMITT: [12:01:37] And if you are and have now been reminded of it, you are sensitised, so to speak, we go back to open session.

From T-244-CONF-ENG, p. 39, line 11 to p. 40, line 3

[REDACTED]
[REDACTED] the Defence does not think that these names should be redacted.

Very best,

[REDACTED]

[REDACTED]

From: [REDACTED]

Sent: 11 December 2019 12:02

To: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Cc: [REDACTED] Trial Chamber IX Communications [REDACTED]

Subject: RE: Filing of Submitted Items in case record

Dear [REDACTED]

Please find attached annexes VIII and XIII with additional proposed redactions (highlighted in yellow) for your consideration.

Best regards,

[REDACTED]

Dévouement - Intégrité - Respect
Dedication - Integrity - Respect

From: [REDACTED]
Sent: 11 December 2019 10:01
To: [REDACTED]
Cc: [REDACTED] Trial Chamber IX Communications
Subject: Re: Filing of Submitted Items in case record

Dear Registry,

Please find attached one Annex (Annex XII) which the Defence avers should have a few further redactions.

By submitting this request though, the Defence does not agree with the redactions. It is merely following Trial Chamber IX's decisions on protective measures from 2016. The Defence does not waive its rights to request, at a later date, that the redactions be lifted in this document or that redactions be lifted in any other material related to the persons therein.

Very best,

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 10 December 2019 16:19
To: [REDACTED]
[REDACTED]
[REDACTED]
Cc: [REDACTED]; Trial Chamber IX Communications [REDACTED]
Subject: Filing of Submitted Items in case record

Dear Parties and Participants,

In accordance with the Initial Directions on the Conduct of the Proceedings, ICC-02/04-01/15-497, paragraph 28(v), please find attached 16 (XVI) partially redacted annexes in relation to items recognised by the Trial Chamber as formally submitted, and to be filed in the public record of the case.

Please have a look and let me know if any additional redactions need to be applied.

Thank you in advance for your cooperation.

Kind regards,

██████████

This message contains information that may be privileged or confidential and is the property of the International Criminal Court. It is intended only for the person to whom it is addressed. If you are not the intended recipient, you are not authorized by the owner of the information to read, print, retain copy, disseminate, distribute, or use this message or any part hereof. If you receive this message in error, please notify the sender immediately and delete this message and all copies hereof.

Les informations contenues dans ce message peuvent être confidentielles ou soumises au secret professionnel et elles sont la propriété de la Cour pénale internationale. Ce message n'est destiné qu'à la personne à laquelle il est adressé. Si vous n'êtes pas le destinataire voulu, le propriétaire des informations ne vous autorise pas à lire, imprimer, copier, diffuser, distribuer ou utiliser ce message, pas même en partie. Si vous avez reçu ce message par erreur, veuillez prévenir l'expéditeur immédiatement et effacer ce message et toutes les copies qui en auraient été faites.

This message contains information that may be privileged or confidential and is the property of the International Criminal Court. It is intended only for the person to whom it is addressed. If you are not the intended recipient, you are not authorized by the owner of the information to read, print, retain copy, disseminate, distribute, or use this message or any part hereof. If you receive this message in error, please notify the sender immediately and delete this message and all copies hereof.

Les informations contenues dans ce message peuvent être confidentielles ou soumises au secret professionnel et elles sont la propriété de la Cour pénale internationale. Ce message n'est destiné qu'à la personne à laquelle il est adressé. Si vous n'êtes pas le destinataire voulu, le propriétaire des informations ne vous autorise pas à lire, imprimer, copier, diffuser, distribuer ou utiliser ce message, pas même en partie. Si vous avez reçu ce message par erreur, veuillez prévenir l'expéditeur immédiatement et effacer ce message et toutes les copies qui en auraient été faites.