

From: [REDACTED]
Sent: 17 December 2020 10:21
To: [REDACTED]
Subject: FW: Reclassification of filings
Attachments: RE: Reclassification Requests - Filing 448-Conf-Exp; Re: Reclassification Requests - Filing 513-Conf; Re: Reclassification Requests - Filing 569-Conf; RE: Further Reclassification Requests - Filings 708-Conf, 745-Conf and 1004-Conf; RE: Reclassification Requests - Filing 1271-Conf; RE: Reclassification Requests - Filing 56-Conf-Exp

From: Trial Chamber IX Communications [REDACTED]
Sent: 02 September 2020 10:25
To: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] Trial Chamber IX Communications
[REDACTED]
Subject: Reclassification of filings

Dear colleagues,
Dear parties and participants,

Noting the submissions in the attached emails, and pursuant to Regulation 23 *bis* of the Regulations of the Court, the Registry is hereby ordered to reclassify the following filings as 'public':

ICC-02/04-01/15-448-Conf-Exp
ICC-02/04-01/15-513-Conf
ICC-02/04-01/15-569-Conf
ICC-02/04-01/15-708-Conf
ICC-02/04-01/15-708-Conf-AnxI
ICC-02/04-01/15-708-Conf-AnxII
ICC-02/04-01/15-745-Conf
ICC-02/04-01/15-745-Conf-AnxI
ICC-02/04-01/15-745-Conf-AnxII
ICC-02/04-01/15-1004-Conf
ICC-02/04-01/15-1271-Conf
ICC-02/04-01/15-1293-Conf

Concerning filings ICC-02/04-01/15-708-Conf and ICC-02/04-01/15-745-Conf the Chamber notes that the Defence initially only requested reclassification of the main filing, without the annexes. However, the Chamber agrees with the information submitted by the Registry in this regard and finds that the annexes to both filings can also be made public.

Concerning the Defence's Request concerning the reclassification of 'ICC-02/04-01/15-56-Conf-Exp-AnxB' as 'confidential (see attached email). The Chamber notes that such classification does not exist and that there is only one version of filing -56-AnxB, which is public. This annex seems to be a redacted version of a forensic report. Upon further information provided by the Registry, it seems that ICC-02/04-01/15-57-Conf-Anx1 contains the unredacted

version of this document. Since filing -57-Conf-Anx1 is classified as 'confidential', the Defence has access to the information. Accordingly, the Chamber considers the request concerning ICC-02/04-01/15-56-AnxB as moot.

Kind regards,
Trial Chamber IX

From: [REDACTED]
Sent: 06 August 2020 17:32
To: [REDACTED] Trial Chamber IX Communications; [REDACTED]
Subject: RE: Reclassification Requests - Filing 448-Conf-Exp

Dear all,

Having reviewed various versions of the filing, the Prosecution has no objections to the Defence's reclassification request. The filing is available in a public redacted version at ICC-02/04-01/15-448-Red2, with paragraphs 10-11 and part of footnote 14 withheld from the public.

Kind regards,

From: [REDACTED]
Sent: 06 August 2020 15:21
To: Trial Chamber IX Communications; [REDACTED]
Subject: Reclassification Requests - Filing 448-Conf-Exp

Dear Trial Chamber IX, Prosecution and Legal Representatives for Victims,

The Defence for Dominic Ongwen respectfully requests the following pleading be reclassified to **PUBLIC**.

ICC-02/04-01/15-448-Conf-Exp (only the main filing)

The Defence notes that paragraphs 10-11 discuss issues related to an investigation into the death of Otti Vincent. It is the opinion of the Defence that this material does not need to be redacted from the public as it is widely known and accepted that Otti Vincent is dead, and that public knowledge of the attempt to determine the location of Otti Vincent's remains may provide leads to the Prosecution.

Very best,

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[REDACTED]

From: [REDACTED]
Sent: 10 August 2020 13:38
To: [REDACTED] Trial Chamber IX Communications;
[REDACTED]
Subject: Re: Reclassification Requests - Filing 513-Conf
Attachments: image001.gif; image002.jpg; image003.jpg; image004.png; image005.png;
image006.png

Dear All,

The LRVs also support the Defence request.

Best Regards,

[REDACTED]
On behalf of,
Joseph Manoba & Francisco Cox

From: [REDACTED]
Sent: 10 August 2020 11:12
To: [REDACTED]; Trial Chamber IX Communications; [REDACTED]
[REDACTED]
Subject: RE: Reclassification Requests - Filing 513-Conf

Message sent on behalf of Paolina Massidda

Dear all,

The CLRV also supports the Defence's request.
Wishing you all a good week,

Kind regards,
[REDACTED]

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[Description: Description: Follow us on Youtube]<<http://www.youtube.com/IntlCriminalCourt>>[Description:
Description: Follow us on Twitter]<<http://twitter.com/IntlCrimCourt>>[Description: Description: Follow us on
Flickr]<<http://www.flickr.com/photos/icc-cpi/>>

[REDACTED]
[REDACTED]
Bureau du conseil public pour les victimes (BCPV) / Office of Public Counsel for Victims (OPCV) International Criminal
Court

[REDACTED]
[REDACTED]
www.icc-cpi.int

From: [REDACTED]
 Sent: 10 August 2020 10:12
 To: [REDACTED] Trial Chamber IX Communications; [REDACTED]
 Subject: RE: Reclassification Requests - Filing 513-Conf

Dear all,

The Prosecution supports the below request of the Defence to reclassify filing ICC-02/04-01/15-513-Conf ('Defence Notification of a Later Filing Date for any Potential Article 31(1)(a) Submission and Request Pursuant to Regulation 37(2) of the Regulations of the Court') as public.

Best regards,
 [REDACTED]

From: [REDACTED]
 Sent: 10 August 2020 09:01
 To: Trial Chamber IX Communications; [REDACTED]
 Subject: Reclassification Requests - Filing 513-Conf

Dear Trial Chamber IX, Prosecution and Legal Representatives,

The Defence respectfully requests that ICC-02/04-01/15-513-Conf be reclassified as PUBLIC.

Also, kindly, could the Chamber remind CMS that ICC-02/04-01/15-T-29-Conf was ordered reclassified to PUBLIC last week. I think they missed it as it was showing CONFIDENTIAL on RM this morning :)

Very best,
 [REDACTED]

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[REDACTED]

From: [REDACTED]
Sent: 11 August 2020 13:29
To: [REDACTED] Trial Chamber IX
 Communications; [REDACTED]
Subject: Re: Reclassification Requests - Filing 569-Conf
Attachments: image001.gif; image002.jpg; image003.jpg; image004.png; image005.png; image006.png

Dear All,

The LRVs support the Defence request for reclassification.

Best regards,

[REDACTED]
 On behalf of
 Joseph Manoba & Francisco Cox

From: [REDACTED]
Sent: 11 August 2020 13:01
To: [REDACTED] Trial Chamber IX Communications; [REDACTED]
Subject: RE: Reclassification Requests - Filing 569-Conf

Message sent on behalf of Paolina Massidda

Dear all,
 The CLRV similarly supports the Defence's Request for reclassification of filing No. 569-Conf.
 Wishing you all a good afternoon,
 Kind regards,
 [REDACTED]

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[REDACTED]
 [REDACTED]
 Bureau du conseil public pour les victimes (BCPV) / Office of Public Counsel for Victims (OPCV) International Criminal Court

[REDACTED]
 [REDACTED]
www.icc-cpi.int

From: [REDACTED]
Sent: 11 August 2020 12:19
To: [REDACTED] Trial Chamber IX Communications; [REDACTED]
Subject: RE: Reclassification Requests - Filing 569-Conf

Dear Trial Chamber IX, Prosecution and Legal Representatives,

The Prosecution has no objection to re-classifying ICC-02/04-01/15-569-Conf as public.

Kind Regards,

[REDACTED]
From: [REDACTED]
Sent: 11 August 2020 11:44
To: Trial Chamber IX Communications; [REDACTED]
Subject: Reclassification Requests - Filing 569-Conf

Dear Trial Chamber IX, Prosecution and Legal Representatives,

The Defence respectfully requests that ICC-02/04-01/15-569-Conf be reclassified as PUBLIC.

Very best,

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From: [REDACTED]
Sent: 12 August 2020 10:54
To: [REDACTED] Trial Chamber IX
 Communications; [REDACTED]
Subject: RE: Further Reclassification Requests - Filings 708-Conf, 745-Conf and 1004-Conf

Dear All,

On behalf of the Registry, kindly note that ICC-02/04-01/15-708-Conf, ICC-02/04-01/15-745-Conf and ICC-02/04-01/15-1004-Conf can be reclassified as public.

Normally, the Registry prefers to keep annexes with personal addresses confidential; in this case (ICC-02/04-01/15-708-Conf and ICC-02/04-01/15-745-Conf), it is a P.O. Box, so the annexes may also be reclassified as public.

With my best,

[REDACTED]

-----Original Message-----

From: [REDACTED]
Sent: 11 August 2020 17:55
To: [REDACTED] Trial Chamber IX Communications; [REDACTED]
 [REDACTED]
Subject: Re: Further Reclassification Requests - Filings 708-Conf, 745-Conf and 1004-Conf

Dear All,

The LRVs concur with the position of the Prosecution and OPCV concerning the reclassification of the submissions related to the appointment of duty counsel.

Best regards,

[REDACTED]

On behalf of,
 Joseph Manoba and Francisco Cox

From: [REDACTED]
Sent: 11 August 2020 16:32
To: [REDACTED] Trial Chamber IX Communications; [REDACTED]
 [REDACTED]
Subject: RE: Further Reclassification Requests - Filings 708-Conf, 745-Conf and 1004-Conf

Dear Trial Chamber IX, Registry, Defence and Legal Representatives,

While the Prosecution has no objection to reclassifying ICC-02/04-01/15-708-Conf and ICC-02/04-01/15-745-Conf and ICC-02/04-01/15-1004-Conf as public, it defers to the Registry as the originating organ for the filings.

Kind Regards,

[REDACTED]

From: [REDACTED]

Sent: 11 August 2020 15:35

To: Trial Chamber IX Communications; [REDACTED]

Subject: Further Reclassification Requests - Filings 708-Conf, 745-Conf and 1004-Conf

Dear Trial Chamber IX, Registry, Prosecution and Legal Representatives,

The Defence respectfully requests that the following two (2) filings be reclassified as PUBLIC:

ICC-02/04-01/15-708-Conf

ICC-02/04-01/15-745-Conf

The Defence assumes that these two notifications were made in a confidential manner because Counsel Kerwegi was over 6,000 km away from home, and as a routine safety precaution, it is prudent not to give public notice of extended absences from home. As her mandate at the ICC-PP has finished, the Defence sees no other reason to keep these filings public. The Defence notes ICC-02/04-01/15-912 and ICC-02/04-01/15-990 are not public (both witnesses giving testimony via video-link and Counsel Kerwegi being located in KLA).

Additionally, the Defence requests ICC-02/04-01/15-1004-Conf be reclassified as PUBLIC. While Rule 74 requests are mostly classified confidential, this request, quite frankly, says nothing which needs a confidential classification. Furthermore, P-172 testified publicly without ICPMs.

I have included the Office of the Director of DJSS as Director Dubuisson's signature is applied to the first two filings.

Very best,

[REDACTED]

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From: [REDACTED]
Sent: 27 August 2020 15:01
To: [REDACTED] Trial Chamber IX Communications; [REDACTED]
Subject: RE: Reclassification Requests - Filing 56-Conf-Exp

Assuming that the Prosecution is correct and AnxB is in fact UGA-OTP-0170-0027, we would have no objection to the unredacted annex being transferred to the Ongwen case (and marked as confidential). However, no one in the Prosecution has been able to access an unredacted version in the Kony case, and I believe that CMS has similarly been unable to locate the original unredacted annex in the Kony case.

From: [REDACTED]
Sent: 27 August 2020 14:26
To: [REDACTED] Trial Chamber IX Communications; [REDACTED]
Subject: Re: Reclassification Requests - Filing 56-Conf-Exp

Dear Trial Chamber IX, Prosecution and Legal Representatives,

Thank you very much for the detailed analysis Colin. It is greatly appreciated. Because of the answer, I am assuming that it is okay then to transfer the *ex parte* version from the *Kony et al* case to the *Ongwen* case?

Also, please know that I'll be back to my normal requests. I'll hold off on the requests for reclassification though until Tuesday so there are not 20 independent requests floating around 😊

All the best,

From: [REDACTED]
Sent: 27 August 2020 14:13
To: [REDACTED] Trial Chamber IX Communications ; [REDACTED]
Subject: RE: Reclassification Requests - Filing 56-Conf-Exp

Dear Trial Chamber IX, Defence, and LRVs,

The Prosecution has inquired with the Registry as well as searched its own records, and there is no indication that ICC-02/04-01/15-56-Conf-Exp-AnxB – or any confidential, *ex parte*, or unredacted version of ICC-02/04-01/15-56-AnxB – exists in the Ongwen case. It appears that the document was transferred from the Kony case to the Ongwen case already in redacted form.

Based on the title of ICC-02/04-01/15-56-AnxB in RM and context in the related filings, the Prosecution believes that AnxB consists of a cover page, UGA-OTP-0170-0027 (a forensic report formally submitted at trial in connection with the evidence of P-0414), and UGA-OTP-0170-0032 (which appears to be an annex to UGA-OTP-0170-0027, and was disclosed prior to trial, but was not formally submitted).

I hope this sufficiently resolves the matter.

Best regards,

[REDACTED]

From: [REDACTED]
Sent: 14 August 2020 12:43
To: Trial Chamber IX Communications; [REDACTED]
Subject: Reclassification Requests - Filing 56-Conf-Exp

Dear Trial Chamber IX, Prosecution and Legal Representatives,

The Defence respectfully requests that the following Annex be reclassified as **CONFIDENTIAL**:

ICC-02/04-01/15-56-Conf-Exp-AnxB

Very best,

[REDACTED]

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From: [REDACTED]
Sent: 13 August 2020 12:32
To: [REDACTED] Trial Chamber IX
 Communications; [REDACTED]
Subject: RE: Reclassification Requests - Filing 1271-Conf

Dear All,

The LRVs similarly have no objection to the Defence request for the reclassification of ICC-02/04-01/15-1271-Conf and ICC-02/04-01/15-1293-Conf (main filing only).

Best regards,

[REDACTED]
 On behalf of,
 Joseph Manoba and Francisco Cox

From: [REDACTED]
Sent: 13 August 2020 10:09
To: [REDACTED] Trial Chamber IX Communications; [REDACTED]
Subject: RE: Reclassification Requests - Filing 1271-Conf

Message sent on behalf of Paolina Massidda

Dear all,
 The CLRV supports the Defence's Request for reclassification as public of Filings No. 1271-Conf and 1293-Conf.
 Wishing you all a good day,
 Kind regards,
 [REDACTED]



[REDACTED]
 [REDACTED]
 Bureau du conseil public pour les victimes (BCPV) / Office of Public Counsel for Victims (OPCV)
 International Criminal Court

www.icc-cpi.int

From: [REDACTED]
Sent: 12 August 2020 19:52
To: [REDACTED] Trial Chamber IX Communications; [REDACTED]

Subject: RE: Reclassification Requests - Filing 1271-Conf

Dear Trial Chamber IX, Defence and Legal Representatives,

The Prosecution does not object to the Defence request for the reclassification of **ICC-02/04-01/15-1271-Conf** and **ICC-02/04-01/15-1293-Conf** (main filing only).

Kind Regards,

From: [REDACTED]
Sent: 12 August 2020 17:16

To: Trial Chamber IX Communications; [REDACTED]

Subject: Reclassification Requests - Filing 1271-Conf

Dear Trial Chamber IX, Prosecution and Legal Representatives,

The Defence respectfully requests that the following filings be reclassified as **PUBLIC**:

ICC-02/04-01/15-1271-Conf

ICC-02/04-01/15-1293-Conf (main filing only)

Very best,

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