

Annex 28

Confidential

From: Trial Chamber X Communications
Sent: 03 May 2021 09:45
To: Al Hassan Prosecution Team; 'D28AlHassanDefenceTeam'; 'V43LRVTeam'
Cc: Associate Legal Officer-Court Officer; Office of the Director DJSS;
Subject: TC X - Single Judge decision on the implementation of the Chamber's 26 October 2020 ruling on the publicity of the trial proceedings

Dear Counsel,
 Dear colleagues,

On the basis of the below email, the Single Judge understands that the Prosecution has identified, together with the Registry, the most efficient way to make certain evidentiary material available to the public via the Court's website. Accordingly, the Single Judge authorises the parties and the Registry, in implementing the Chamber's 26 October 2020 email decision, to proceed as suggested.

Best regards,

On behalf of the Single Judge of Trial Chamber X

From: Dutertre, Gilles
Sent: 30 April 2021 18:05
To: ; Al Hassan Prosecution Team
 <AlHassanProsecutionTeam> 'D28AlHassanDefenceTeam'
 <D28AlHassanDefenceTeam> ; 'V43LRVTeam' <V43LRVTeam> ;
Cc: Associate Legal Officer-Court Officer <AssociateLegalOfficer-CourtOfficer> Office of the Director DJSS <OfficeoftheDirectorDJSS>
 Trial Chamber X Communications <TrialChamberXCommunications>
Subject: RE: Publicity of the trial proceedings

Dear Trial Chamber X,

Pursuant to the Chamber's instruction on the publicity of the trial proceedings from 26 October 2020, the Prosecution is working on public redacted versions of the material introduced pursuant to Rule 68 of the Rules.

[Redacted text block]

Having discussed this approach with CMS, the Prosecution proposes the following:

- the redacted pdf-ed material will be provided to the Registry via a ShareFile;
- an image of the ShareFile folder with a screenshot of all ERNs listed, or with a separate table with all ERNs, will be registered and uploaded in eCourt;
- the Registry will have the redacted pdf-ed material uploaded on the Court's public website.

This approach appears to be more user friendly, less labour intensive and in general more efficient to process and transfer the material.

Best regards

Gilles Dutertre

Dévouement - Intégrité - Respect
Dedication - Integrity - Respect

From: [REDACTED]
Sent: 26 October 2020 14:41
To: Al Hassan Prosecution Team; 'D28AlHassanDefenceTeam[REDACTED]'; 'V43LRVTeam[REDACTED]'
Cc: Associate Legal Officer-Court Officer; Office of the Director DJSS; [REDACTED] Trial Chamber X Communications
Subject: Publicity of the trial proceedings

Dear counsel,
 Dear colleagues,

Having due regard to the publicity of trial proceedings, the Chamber instructs the Prosecution, in consultation with the VWU, to submit on a monthly basis to the Registry, and in particularly its Public Information and Outreach Section (PIOS), a list of witnesses scheduled to testify, where the following information is included: name of the witness (when this witness is not a protected witness), type of witness (i.e. expert in a relevant field, crime base), general expected contents and duration of the testimony.

The Chamber reiterates that even in the case of protected witnesses, 'identifying information' must be interpreted strictly and thus general information related to a witness may be made public.

The Chamber is of the view that the written record of prior recorded testimonies introduced pursuant to Rule 68 of the Rules shall be public to the extent possible. Accordingly, the Chamber instructs the calling party, once all of necessary criteria pursuant to Rule 68 of the Rules have been fulfilled and in consultation with the VWU and the non-calling party, to propose public redacted versions of the transcripts of interviews, reports or witness statements introduced pursuant to Rule 68 of the Rules. Contested redactions should be transmitted to the Chamber so it can rule on the matter. If the proposed public redacted versions are not contested, or once the Chamber has ruled on any contested redaction, the calling party shall prepare the public redacted versions and make them available in eCourt. The Registry, in cooperation with the calling party, is instructed to make these available via the court's public website (see similarly in *The Prosecutor v. Dominic Ongwen*, ICC-02/04-01/15-596-Red and ICC-02/04-01/15-1164).

Kind regards,

[REDACTED]
 (on behalf of Trial Chamber X)