



Original: English

No.: ICC-02/04-01/15

Date: 14 April 2015

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN UGANDA

IN THE CASE OF *THE PROSECUTOR* v. *DOMINIC ONGWEN*

Public

**Order concerning the level of classification of documents in the record of
the case**

Decision to be notified, in accordance with regulation 31 of the Regulations of the Court, to:

The Office of the Prosecutor

Fatou Bensouda

James Stewart

Benjamin Gumpert

Counsel for the Defence

Krispus Ayena Odongo

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Defence Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Judge Cuno Tarfusser, Single Judge exercising the functions of Pre-Trial Chamber II in the present case, issues this order concerning the level of classification of documents in the record of the case.

1. Following the initial appearance of Dominic Ongwen before the Chamber and the severance of his case from the case of *The Prosecutor v. Kony et al.*, a number of documents in the record of that case were copied into the record of the present case. To date, these documents, which emanate from the Prosecutor or the Registrar, have generally kept the level of confidentiality originally assigned to them.
2. Noting regulation 23 *bis* of the Regulations of the Court, the Single Judge considers that there exists a need to review the continued necessity for the level of classification of the documents in the record of the case, in order to ensure to the greatest possible extent that they are accessible to the Defence and to the public.

FOR THESE REASONS, THE SINGLE JUDGE


ORDERS the Prosecutor and the Registrar to review each of their filings which are not currently classified as “public” and, by 8 May 2015:

- (i) to indicate those which can be reclassified as “public” or, failing that and as appropriate, “confidential”;
- (ii) to file, insofar possible, public or confidential redacted versions of documents which cannot as such be reclassified as “public” or “confidential”;
- (iii) with respect to their confidential filings which cannot be made public and of which public redacted versions currently exist in the record of the case, to file, insofar possible, new public redacted versions with lesser redactions;

- (iv) to put on the record of the case reasons justifying the level of classification of any filing that cannot be made public.

ORDERS the Prosecutor and the Registrar to propose, by 8 May 2015, any redactions vis-à-vis the Defence and/or vis-à-vis the public to transcripts ICC-02/04-01/15-T-1-CONF-EXP-ENG, ICC-02/04-01/15-T-2-CONF-EXP-ENG and ICC-02/04-01/15-T-3-CONF-EXP-ENG; and to propose any redactions vis-à-vis the public to transcript ICC-02/04-01/15-T-5-CONF-EXP-ENG.

Done in both English and French, the English version being authoritative.



Judge Cuno Tarfusser
Single Judge

Dated this 14 April 2015

At The Hague, The Netherlands