

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

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

Date: 23 March 2016

PRE-TRIAL CHAMBER II

Before: Judge Cuno Tarfusser, Single Judge

SITUATION IN UGANDA

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

Public

Order on reclassification of documents in the record of the case

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

Joseph Akwenyu Manoba and Francisco
Cox

Legal Representatives of the Applicants

Paolina Massidda and Jane Adong

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparation**

**The Office of Public Counsel for
Victims**

Paolina Massidda

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

States Representatives

Amicus Curiae

REGISTRY

Registrar

Herman von Hebel

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

Judge Cuno Tarfusser, Single Judge exercising the functions of the Chamber in the present case, issues this order on reclassification of documents in the record of the case.

1. This order is issued simultaneously with the decision under article 61(7) of the Statute on the confirmation of the charges brought by the Prosecutor against Dominic Ongwen. As a result of that decision, in particular as regards the confidentiality of charges 50 to 60, a review of the level of classification of related documents in the record of the case is warranted.

2. The Chamber has issued today public redacted versions of decisions ICC-02/04-01/15-277-Conf, ICC-02/04-01/15-293-Conf, ICC-02/04-01/15-316-Conf and ICC-02/04-01/15-323-Conf, and lesser redacted public versions of decision ICC-02/04-01/15-318-Conf and order ICC-02/04-01/15-319-Conf. Several other decisions or orders, listed in the operative part of the present order, may be reclassified as public without redactions. The same applies to the transcript of the session of the confirmation of charges hearing of 21 January 2016, which can be reclassified as public, while lesser redacted versions of the transcripts of the sessions of 22 and 26 January 2016 at this point can be made available to the public.

3. Similarly, the classification as confidential of a number of filings by the Prosecutor, the Defence, the common legal representative of a group of victims and the Registrar is no longer warranted. As specified in the operative part, certain documents can be reclassified as public. For a number of other documents, emanating from the Prosecutor or the Defence, the Single Judge considers it appropriate to order the filing of public redacted versions, or lesser redacted versions, as the case may be. In preparing such redacted versions, the parties shall take into account the extent that the Chamber has made public charges 50 to 60 in the decision on the confirmation of charges,

the extent of redactions applied to the public redacted versions of the Chamber's decisions filed today and the reclassification of other filings as public as specified in the operative part of the present order.

FOR THESE REASONS, THE SINGLE JUDGE

ORDERS the Registrar to reclassify as public the following documents:

- ICC-02/04-01/15-256-Conf-AnxE;
- ICC-02/04-01/15-259-Conf-AnxA;
- ICC-02/04-01/15-284-Conf;
- ICC-02/04-01/15-285-Conf;
- ICC-02/04-01/15-286-Conf;
- ICC-02/04-01/15-287-Conf;
- ICC-02/04-01/15-288-Conf-Anx3;
- ICC-02/04-01/15-289-Conf;
- ICC-02/04-01/15-291-Conf;
- ICC-02/04-01/15-292-Conf;
- ICC-02/04-01/15-297-Conf;
- ICC-02/04-01/15-325-Conf;
- ICC-02/04-01/15-326-Conf;
- ICC-02/04-01/15-329-Conf;
- ICC-02/04-01/15-332-Conf;
- ICC-02/04-01/15-336-Conf;
- ICC-02/04-01/15-341-Conf;
- ICC-02/04-01/15-348-Conf;
- ICC-02/04-01/15-349-Conf;
- ICC-02/04-01/15-351-Conf;
- ICC-02/04-01/15-352-Conf;
- ICC-02/04-01/15-354-Conf;

- ICC-02/04-01/15-355-Conf;
- ICC-02/04-01/15-356-Conf;
- ICC-02/04-01/15-357-Conf;
- ICC-02/04-01/15-358-Conf;
- ICC-02/04-01/15-360-Conf;
- ICC-02/04-01/15-363-Conf;
- ICC-02/04-01/15-364-Conf;
- ICC-02/04-01/15-373-Conf;
- ICC-02/04-01/15-378-Conf;
- ICC-02/04-01/15-385-Conf-Corr;
- ICC-02/04-01/15-386-Conf;
- ICC-02/04-01/15-389-Conf;
- ICC-02/04-01/15-394-Conf;
- ICC-02/04-01/15-407-Conf;
- ICC-02/04-01/15-408-Conf; and
- ICC-02/04-01/15-T-20-Conf-ENG and –FRA;

ORDERS the Registrar to file a new redacted version of the transcript of the hearing of 22 January 2016, ICC-02/04-01/15-T-21-Conf-ENG, wherefrom only the passage from page 53, line 18, to page 54, line 25 is expunged, and to apply the corresponding redactions to the French version of the transcript;

ORDERS the Registrar to file a new redacted version of the transcript of the hearing of 26 January 2016, ICC-02/04-01/15-T-23-Conf-ENG, wherefrom only the following passages are expunged:

- at page 20, lines 6 and 7, and lines from 17 to 23;
- at page 21, lines 3, 4 and 8, and lines from 10 to 23; and
- at page 22, lines 8 and 9, and lines from 12 to 17;

and to apply the corresponding redactions to the French version of the transcript;

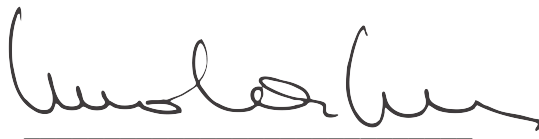
ORDERS the Prosecutor to file (new) public redacted versions of documents:

- ICC-02/04-01/15-256-Conf;
- ICC-02/04-01/15-282-Conf;
- ICC-02/04-01/15-288-Conf;
- ICC-02/04-01/15-288-Conf-Anx1;
- ICC-02/04-01/15-288-Conf-Anx2;
- ICC-02/04-01/15-305-Conf;
- ICC-02/04-01/15-310-Conf;
- ICC-02/04-01/15-311-Conf;
- ICC-02/04-01/15-333-Conf;
- ICC-02/04-01/15-374-Conf-Exp;
- ICC-02/04-01/15-375-Conf-AnxA;
- ICC-02/04-01/15-375-Conf-AnxB;
- ICC-02/04-01/15-375-Conf-AnxC; and
- ICC-02/04-01/15-381-Conf; and

ORDERS the Defence to file (new) public redacted versions of documents:

- ICC-02/04-01/15-259-Conf;
- ICC-02/04-01/15-314-Conf;
- ICC-02/04-01/15-321-Conf, and
- ICC-02/04-01/15-404-Conf.

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

A handwritten signature in black ink, appearing to read 'Cuno Tarfusser', written over a horizontal line.

Judge Cuno Tarfusser
Single Judge

Dated this 23 March 2016

At The Hague, The Netherlands