

Annex 1

Public Redacted

From: Trial Chamber VI Communications <[REDACTED]>
Sent: Thursday, July 13, 2023 1:27 PM
To: OTP CAR IIA Communications <[REDACTED]>; D33 Said Defence Team
[REDACTED]; Said LRV Team OPC [REDACTED]
Cc: Trial Chamber VI Communications <[REDACTED]>
Subject: RE: 230707 - SAID - Joint Prosecution and Defence request for extension of time

[ICC] RESTRICTED

Dear parties,

The Chamber has considered your joint request for extension of time limit. It considers that good cause has been shown and therefore extends the deadline for the parties to propose lesser redacted versions for all the transcripts that were notified in June of this year until 27 October 2023. However, the Chamber expects that the parties will use this time to come to a consensus proposal and to avoid litigation as much as possible.

Kind regards,
Trial Chamber VI

From: [REDACTED]
Sent: 07 July 2023 13:43
To: Trial Chamber VI Communications <[REDACTED]>
Cc: OTP CAR IIA Communications <[REDACTED]>; D33 Said Defence Team
[REDACTED]; Said LRV Team OPCV [REDACTED]
Subject: 230707 - SAID - Joint Prosecution and Defence request for extension of time

Dear Trial Chamber VI,

The Prosecution and Defence hereby file a joint-request for an extension of the time limit for the Prosecution to propose lesser-redacted versions or additional redactions of the public redacted versions of the transcripts that were notified by the Registry in June 2023, and for the Defence to raise any objections thereto, pursuant to regulation 35(1) of the Regulations of the Court. The Parties respectfully request an extension until 27 October 2023 to complete their respective duties in relation to the transcripts notified in June 2023, on the basis of the information below.

This joint request pertains to a total of 68 transcripts (“Transcripts”) which were notified by the Registry in June 2023. Out of these Transcripts, 64 were notified to the parties and participants on 26 and 27 June 2023 alone. The Directions of the Conduct of Proceedings (“Directions”) requires that “the calling party or participant shall review the public redacted version of the transcript and propose a lesser redacted version within 21 days of notification by the Registry. Discrete requests for additional redactions may also exceptionally be proposed in the context of this review” (ICC-01/14-01/21-251, para. 56). It is specified that “[w]hen the English and French versions of a transcript are notified on different days, the latter of the two notification dates trigger this timeline” (ICC-01/14-01/21-251, footnote 10). Then the Directions require that “within 10 days of receiving the proposed lesser-redacted version or additional redactions, the other parties or participants raise any objections” (ICC-

01/14-01/21-251, para. 57). Thus the Prosecution would only have four weeks to complete the review of all 68 Transcripts, and propose lesser-redacted versions or additional redactions while the Defence would only have two weeks to similarly complete the review of all 68 Transcripts, and raise any objections.

Following *inter partes* discussion, the Parties estimated that the work necessitated by both teams in order to efficiently execute these tasks, requires a review of four transcripts per week by the Prosecution on a rolling basis so that the Defence can have predictability regarding the work ahead and will therefore be able to streamline the organization of the work of proofreading the transcripts to make them less redacted on a rolling basis as well, which is in addition to the work in progress. Such an organization ensures equality in the distribution of the workload for both Parties and efficiency in the procedure that will ultimately save time *in fine*. The Parties agreed to communicate effectively and clearly on the schedule, especially if the average of 4 transcripts per week were to increase in the light of practical experience in implementing the exercise in order to avoid the Defence having to provide observations on too many transcripts at once within the 10-days period provided for in the Directions (i.e. the situation in which the Prosecution finds itself today as a result of the mass filing of transcripts by the Registry). The Parties therefore agreed that the Prosecution should keep the Defence informed of the Prosecution's progress with the review of the Transcripts, in order to facilitate an efficient process regarding the number of transcripts notified at the same time.

The proposed approach here by the Parties makes it possible to streamline the work of trial teams, given the importance and scope of the task. Especially since the exercise of proposing lesser redacted version of transcripts is fundamental to ensure that the trial is as public as possible in order to preserve the principle of the publicity of the proceedings. Furthermore in the present case, this exercise will necessarily take time since a majority of the witnesses were heard in private sessions (for example, of the first 14 witnesses, with the exception of two witnesses who did not benefit from in-court protective measures, 70% of the hearings were held in private sessions (see ICC-01/14-01/21-580-Conf, para. 18)).

Yet, the Parties specify that as this is the first time that this exercise will be carried out in the present case, they can only make a rough estimate of the workload involved in verifying the transcript and should the analysis of the Transcripts take longer than anticipated, the Parties would at that time discuss further *inter partes* how best to proceed forward.

For the above reasons, the Prosecution and Defence respectfully request the Chamber to grant an extension of the time limit until 27 October 2023 for the Prosecution to propose lesser-redacted versions or additional redactions of the public redacted versions of the Transcripts that were notified by the Registry in June 2023, and for the Defence to raise any objections thereto.

Best regards,

