

ANNEX 28

PUBLIC

From: Pre-Trial Chamber III Communications
Sent: 05 September 2024 10:42
To: [REDACTED]; D35 Kony Defence team
Cc: OTP Kony Communications; Kony LRV Team OPCV; Pre-Trial Chamber III Communications; Chamber Decisions Communication
Subject: ICC-02/04-01/05 - Defence queries relating to the Single Judge Decision on the 'Prosecution's Request for Leave to Reply to Defence Observations' (filing no. 518) – public

[ICC] RESTRICTED

Dear Counsel,

The Single Judge, having noted the message below, (i) clarifies that the email decision is a full-fledged, public one, as such certainly suitable to be referred to in forthcoming filings and (ii) recalls the order issued at the status conference, to the effect that *'in view of the importance attached or attaching to the principle guaranteeing the publicity of the proceedings, the parties, participants, and the Registry shall endeavour to formulate their requests and submissions in such a manner so as to allow their filings, including annexes, to be classified as public. In the event that certain information cannot be revealed publicly, the party, participant, or the Registry shall provide a public redacted version of its filing within three working days of submitting the original filing'* (transcript of the status conference held on 23 July 2024, ICC-02/04-01/05-T-012 page 24, lines 10-16).

Kind regards,

On behalf of Judge Alexis-Windsor, Single Judge

From: [REDACTED] <[REDACTED]>
Sent: Wednesday, September 4, 2024 5:21 PM
To: Pre-Trial Chamber III Communications <[REDACTED]>; OTP Kony Communications <[REDACTED]>
Cc: D35 Kony Defence team <[REDACTED]>; Kony LRV Team OPCV <[REDACTED]>; Chamber Decisions Communication <[REDACTED]>
Subject: Re: ICC-02/04-01/05 - Single Judge Decision on the 'Prosecution's Request for Leave to Reply to Defence Observations' (filing no. 518) – public

[ICC] RESTRICTED

[ICC] RESTRICTED

Dear Pre-Trial Chamber III,

Firstly, I apologise for responding from my own email account but, as I think you have been previously informed, for technical reasons the Kony defence generic email account is only able to receive incoming mail not send it.

Thank you for the decision concerning further submissions in relation to the Defence filing 517. The decision was contained in an email, however, out of an abundance of caution, I thought it prudent to enquire whether a formal reasoned decision will issue in due course, given that it was made as a result of two public filings. Failing that and/or in the interim, would it be acceptable to refer to the emailed decision publicly in subsequent filings to the Chamber?

Secondly, does the Chamber anticipate that the authorisation to submit "a filing" by the parties on 5 and 9 September necessarily involves a public filing, or, in the event that an ex parte or confidential filing is made, a concurrent appropriately redacted public or confidential filing?

I am very grateful for your assistance in this matter.

Yours Faithfully,

A solid black rectangular box used to redact the signature of the sender.