

ANNEX 29
PUBLIC

[REDACTED]

From: Trial Chamber V Communications
Sent: 27 May 2021 11:26
To: [REDACTED] Trial Chamber V Communications
Cc: OTP CAR IIB Case Management; OTP CAR IIB Managers; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V45 LRV Team; V44 LRV Team; D29 Yekatom Defence Team; Associate Legal Officer-Court Officer; Chamber Decisions Communication
Subject: RE: Reconsideration of the two-minute deadline for objecting to proposed redactions

Dear all,

The Presiding Judge takes note of the Yekatom Defence's request below.

In consultation with the Court Officer, the Presiding Judge amends the time for redaction requests to 16 minutes (instead of 20 minutes) and the time for objections to 4 minutes (instead of 2 minutes). The Presiding Judge considers this modification of the Initial Directions (see ICC-01/14-01/18-631, paras 48-49) to strike an appropriate balance between the Defence's right to make objections in a meaningful way and the need to ensure sufficient time for the Chamber to rule on contested redactions and for the Registry to implement any granted redactions.

The Presiding Judge further reminds the participants that it is difficult to make a detailed assessment on redactions within 30 minutes of an ongoing hearing. Any granted redactions are thus without prejudice to a revised assessment (see ICC-01/14-18-631, para. 50). Moreover, the Presiding Judge recalls that redactions can subsequently always be lifted in the context of filing public redacted versions of transcripts (see ICC-01/14-01/18-631, paras 71-72).

Kind regards, TC V

From: [REDACTED]
Sent: 24 May 2021 08:42
To: Trial Chamber V Communications [REDACTED]
Cc: OTP CAR IIB Case Management [REDACTED]; OTP CAR IIB Managers [REDACTED]; D30 Ngaissona Defence Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; V45 LRV Team [REDACTED]; V44 LRV Team [REDACTED]; D29 Yekatom Defence Team [REDACTED] >
Subject: Reconsideration of the two-minute deadline for objecting to proposed redactions

Dear Trial Chamber V,

The Defence of Mr. Yekatom hereby respectfully requests the Chamber to reconsider their *Initial Directions on the Conduct of the Proceedings* (ICC-01/14-01/18-631); specifically the two-minute deadline for objecting to proposed redactions, as set out in paragraph 49 ("[t]he participants have two minutes to object.")

First, as both Counsel are in the Courtroom during hearings, the two minute deadline does not allow enough time for team members to communicate with them, especially given the COVID-19 courtroom restrictions currently in place.

Second, recent redaction requests made by the Prosecution have included multiple proposed redactions spanning multiple transcript pages. Past experience has shown that often by the time the Defence team member has read through the various extracts, the allotted two minutes have already elapsed. In addition, when multiple extracts are included in the redaction request, multiple arguments may need to be prepared and confirmed with Counsel, all within the allotted two minutes.

Third, broadcast redactions have a significant impact on the publicity of the proceedings, in that they negatively affect the ability of the public to properly understand the hearings, especially given that the broadcast is cut both before and after the mention of the redacted word or sentence.

While the Defence is well aware of the thirty minute limit for applying redactions to the broadcast, it is nonetheless respectfully submitted that the current procedure does not allow for adequate consultation with Counsel.

Given the importance of transparency and public hearings for Mr. Yekatom, the Defence therefore requests that the Chamber reconsider paragraph 49, so as to allow an additional three minutes (i.e. a total of five minutes) to raise objections to proposed redactions, and respectfully suggests that the deadline for redaction requests be reduced accordingly (from 20 minutes to 17 minutes), so as to allow the Chamber to have sufficient time to rule and the Court Officer to implement the redaction, if needed.

Kind regards,


Legal Consultant
Yekatom Defence

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