

Annex 35

Public

From: Trial Chamber III Communications
Sent: 28 April 2022 14:13
To: Steynberg, Anton; Trial Chamber III Communications
Cc: Trial Chamber III Legal Officers; Associate Legal Officer-Court Officer; D32 Gicheru Defence team; OTP KEN art70 [REDACTED]; Chamber Decisions Communication
Subject: RE: Request for additional redactions to the testimony of P-0739

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Parties and Registry,

The Prosecution's request for redactions is granted.

The Registry is ordered to implement the Prosecution's proposed redactions before publication of the public redacted versions of the relevant transcripts.

Kind Regards,
Trial Chamber III

From: Steynberg, Anton [REDACTED]
Sent: 26 April 2022 19:09
To: Trial Chamber III Communications <TrialChamberIIICommunications[REDACTED]>
Cc: Trial Chamber III Legal Officers <TrialChamberIIILegalOfficers[REDACTED]>; Associate Legal Officer-Court Officer <AssociateLegalOfficer-CourtOfficer[REDACTED]> D32 Gicheru Defence team <D32GicheruDefenceteam[REDACTED]> OTP KEN art70 [REDACTED]
Subject: Request for additional redactions to the testimony of P-0739

Dear Trial Chamber III,
Your Honour,

In light of the Trial Chamber III's decision dated 14 April with respect to the procedure for reviewing the PRVs of the transcripts and for requesting discrete additional redactions, the Prosecution respectfully requests the following redactions to the testimony of **P-0739**, for the reasons set out.

The Prosecution has ascertained that the PRVs of the below mentioned transcripts have not yet been notified or made public on the ICC website (as of the time of sending). Once the PRVs have been notified, the Prosecution will provide its suggestions for lesser-redacted versions of these transcripts.

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- P. 39, In. 14: The Prosecution requests the redaction of [REDACTED] as this name was reflected as "indiscernible" in the Real Time Transcript, which did not allow the Prosecution to request redaction during the hearing.
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- P. 18, In. 8: The Prosecution requests the redaction of [REDACTED] for the aforementioned reason.

- P. 20, Ins. 9/12/17/18 and 20: The Prosecution requests the redaction of [REDACTED]. Counsel is quoting a portion of evidence that has been given in private session by the witness in the *Ruto & Sang* case. [REDACTED]

[REDACTED] Counsel's reference to this date could reveal the witness's identity since it refers to his arrival in Kenya.

- P. 21, In. 6: The Prosecution requests the redaction of [REDACTED] for the above mentioned reason.

- P. 21, Ins. 7/8: The Prosecution requests the redaction of [REDACTED] for the above mentioned reason.

- P. 21, In. 15: The Prosecution requests the redaction of [REDACTED] for the above mentioned reason.

- P. 76, Ins. 18-20: The Prosecution requests the redaction of [REDACTED] [REDACTED]

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- P. 90, Ins. 19-25: The Prosecution requests the redaction of [REDACTED]

[REDACTED] In this footnote of Trial Chamber V's decision ICC-01/09-01/11 [REDACTED], which is available publicly, the witness is identified [REDACTED] which might in turn reveal his identity. It was not possible to make this assessment in real time while following the cross examination of the witness, since it required accessing and analysing extraneous material.

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For the reasons elaborated above, the Prosecution respectfully requests the Trial Chamber to exceptionally grant these additional redactions in the public redacted versions, when published.

Sincerely,
Anton Steynberg

From: Mascetti, Daria [REDACTED]
Sent: 28 April 2022 13:27
To: Trial Chamber III Communications; Steynberg, Anton
Cc: Trial Chamber III Legal Officers; Associate Legal Officer-Court Officer; D32 Gicheru Defence team; OTP KEN art70 [REDACTED]
Subject: RE: Request for additional redactions to the testimony of P-0739
Categories: Court Officer, Gicheru

Dear Honorable Single Judge of Trial Chamber III,
Dear Prosecution,

On behalf of Mr. Karnavas, the Defence has no objections to the OTP's additional redactions to P-0739's testimony.

Sincerely yours,
Daria

From: Trial Chamber III Communications <TrialChamberIIICommunications [REDACTED]>
Sent: 28 April 2022 12:46
To: Steynberg, Anton [REDACTED] Trial Chamber III Communications <TrialChamberIIICommunications [REDACTED]>
Cc: Trial Chamber III Legal Officers <TrialChamberIIILegalOfficers [REDACTED]> Associate Legal Officer-Court Officer <AssociateLegalOfficer-CourtOfficer [REDACTED]>; D32 Gicheru Defence team <D32GicheruDefenceteam [REDACTED]> OTP KEN art70 [REDACTED]
Subject: RE: Request for additional redactions to the testimony of P-0739

Dear Prosecution,

The Chamber takes note of your request.

The Chamber orders the Defence to provide its response to the Prosecution's request no later than Monday 2nd May.

Kind Regards,
Trial Chamber III

From: Steynberg, Anton [REDACTED]
Sent: 26 April 2022 19:09
To: Trial Chamber III Communications <TrialChamberIIICommunications [REDACTED]>
Cc: Trial Chamber III Legal Officers <TrialChamberIIILegalOfficers [REDACTED]>; Associate Legal Officer-Court Officer <AssociateLegalOfficer-CourtOfficer [REDACTED]>; D32 Gicheru Defence team <D32GicheruDefenceteam [REDACTED]>; OTP KEN art70 [REDACTED]
Subject: Request for additional redactions to the testimony of P-0739

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Your Honour,

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The Prosecution has ascertained that the PRVs of the below mentioned transcripts have not yet been notified or made public on the ICC website (as of the time of sending). Once the PRVs have been notified, the Prosecution will provide its suggestions for lesser-redacted versions of these transcripts.

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- P. 90, Ins. 19-25: The Prosecution requests the redaction of [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED] In this footnote of Trial Chamber V's decision ICC-01/09-01/11 [REDACTED], which is available publicly, the witness is identified [REDACTED], which might in turn reveal his identity. It was not possible to make this assessment in real time while following the cross examination of the witness, since it required accessing and analysing extraneous material.
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For the reasons elaborated above, the Prosecution respectfully requests the Trial Chamber to exceptionally grant these additional redactions in the public redacted versions, when published.

Sincerely,
Anton Steynberg

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Annex 35*bis*

[REDACTED]

From: Trial Chamber III Communications
Sent: 05 May 2022 17:15
To: [REDACTED] Trial Chamber III Communications
Cc: Associate Legal Officer-Court Officer
Subject: RE: Request for additional redactions to the testimony of P-0739

Follow Up Flag: Follow up
Flag Status: Flagged

Dear [REDACTED]

Thank you for your email and for bringing this to the Chamber's attention.

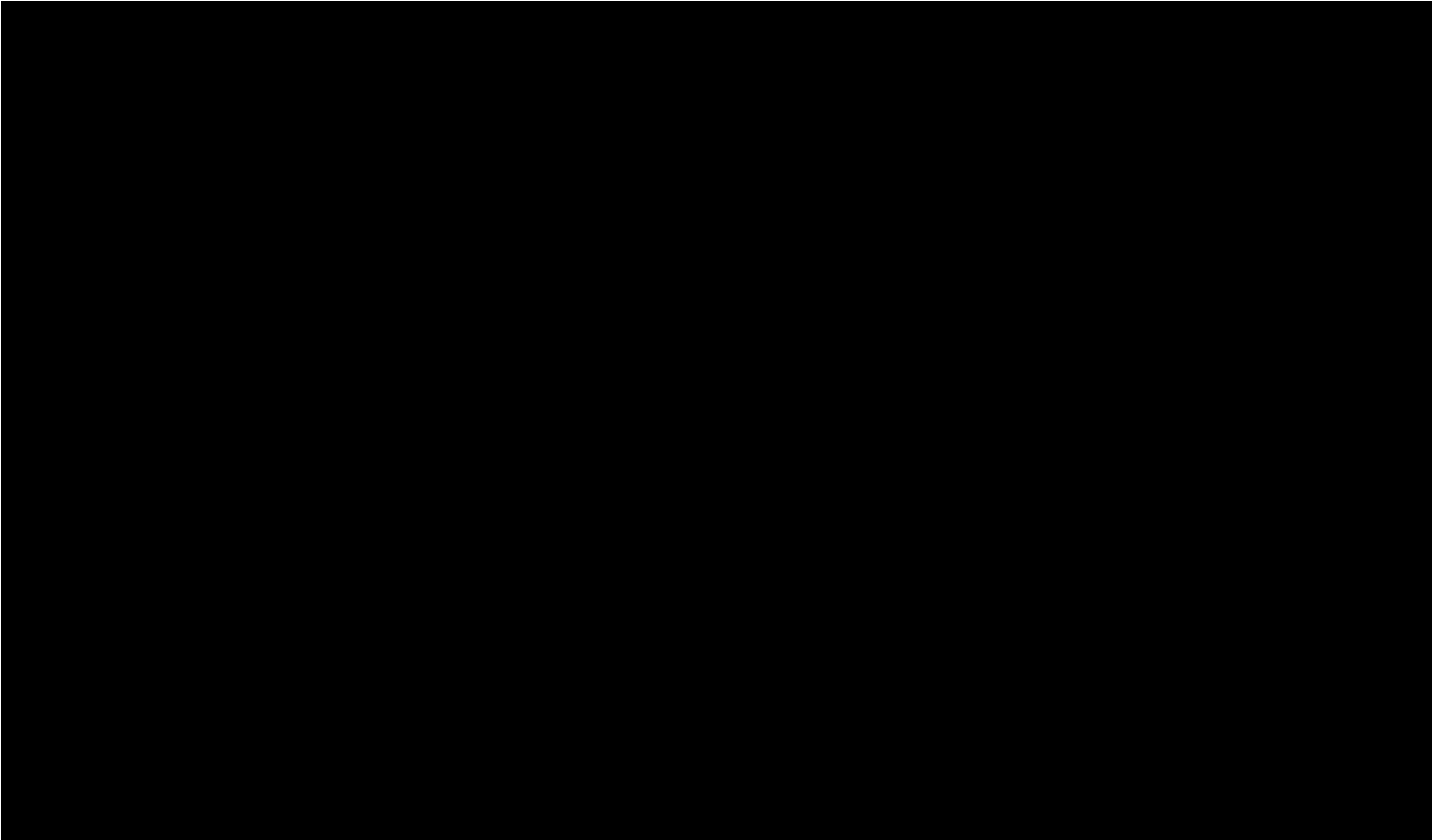
Please go ahead and process the requested redaction of [REDACTED], Page 82 line 16 as proposed.

Kind Regards,
[REDACTED]

From: [REDACTED]
Sent: 05 May 2022 16:53
To: Trial Chamber III Communications <TrialChamberIIICommunications@[REDACTED]>
Cc: Associate Legal Officer-Court Officer <AssociateLegalOfficer-CourtOfficer@[REDACTED]>
Subject: RE: Request for additional redactions to the testimony of P-0739

Dear all,

I am currently working on processing the granted post-facto redactions. For one of the granted redactions there is an error in the date stated in the OTP's request below, for transcript T-068 (highlighted in yellow below). The ET transcript reads [REDACTED] and not [REDACTED], as provided in the OTP's request. Please find the following screenshot of the ET transcript:



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Would you like me to go ahead in processing the requested post-facto redaction of [REDACTED], Page 82 line 16?

Kind regards,
Antonia

From: Trial Chamber III Communications <[TrialChamberIIICommunications](#) [REDACTED]>
Sent: 28 April 2022 14:13
To: Steynberg, Anton [REDACTED] Trial Chamber III Communications <[TrialChamberIIICommunications](#) [REDACTED]>
Cc: Trial Chamber III Legal Officers <[TrialChamberIIILegalOfficers](#) [REDACTED]>; Associate Legal Officer-Court Officer <[AssociateLegalOfficer-CourtOfficer](#) [REDACTED]>; D32 Gicheru Defence team <[D32GicheruDefenceteam](#) [REDACTED]> OTP KEN art70 [REDACTED]; Chamber Decisions Communication <[ChamberDecisionsCommunication](#) [REDACTED]>
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Dear Parties and Registry,

The Prosecution's request for redactions is granted.

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Sent: 26 April 2022 19:09
To: Trial Chamber III Communications <[TrialChamberIIICommunications](#) [REDACTED]>
Cc: Trial Chamber III Legal Officers <[TrialChamberIIILegalOfficers](#) [REDACTED]>; Associate Legal Officer-Court Officer <[AssociateLegalOfficer-CourtOfficer](#) [REDACTED]> D32 Gicheru Defence team

<[D32GicheruDefenceteam](mailto:D32GicheruDefenceteam@icc-01/09-01/20-346-Anx35-Red) [REDACTED] OTP KEN art70 [REDACTED]

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[REDACTED]" In this footnote of Trial Chamber V's decision ICC-01/09-01/11 [REDACTED], which is available publicly, the witness is identified [REDACTED], which might in turn reveal his identity. It was not possible to make this assessment in real time while following the cross examination of the witness, since it required accessing and analysing extraneous material.
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Anton Steynberg