

ANNEX 22
Public Redacted
Version

From: Trial Chamber V Communications
Sent: 02 December 2022 09:46
To: Trial Chamber V Communications
Cc: Office of the Director DJSS; [REDACTED] Associate Legal
 Officer-Court Officer; Chamber Decisions Communication
Subject: RE: For the attention of the Chamber in relation to the Urgent Joint Defence Motion for an Adjournment and for a Suspension of Deadlines

Dear colleagues from the Registry,

The Single Judge takes note of the Registry's email below. Given that the information has already been made public and that it only concerns discussions between the Registry and the Defence on matters unrelated to the present case, the Chamber does not intend to reclassify request ICC-01/14-01/18-1682 to confidential.

Kind regards, TC V

From: [REDACTED]
Sent: 01 December 2022 18:43
To: Trial Chamber V Communications [REDACTED]
Cc: Office of the Director DJSS [REDACTED]
 [REDACTED]
 [REDACTED]
Subject: For the attention of the Chamber in relation to the Urgent Joint Defence Motion for an Adjournment and for a Suspension of Deadlines

Dear colleagues of TCV,

On behalf of the Registry I bring your kind attention to the below message for the Chamber's consideration:

With reference to the "Urgent Joint Defence Motion for an Adjournment and for a Suspension of Deadlines" (ICC-01/14-01/18-1682+Conf-AnxA) filed publicly today by counsel for Messrs Yekatom and Ngaissona ("Request"), the Registry would like to draw the Chamber's attention to the fact that said Request refers to information exchanged on a confidential basis between the Registry, on the one hand, and counsel and their defence teams members, on the other.

Notably, this concerns the Registry's letter dated 29 November 2022 and the subsequent meeting organised by the Registry on issues raised in said Registry's letter (see for example confidential information at paragraphs 10, 12, 26 and footnote 25 of the Request). This information, which is administrative in nature, consists of ICC records with the Registry being the originator of it (See Administrative Instruction on Protection of Information ICC/AI/2007/001, Section 1.14). In particular, the Registry's letter is marked "Confidential" and is subject to classification, reclassification, dissemination and disclosure rules governed by the ICC/AI/2007/001 (See Sections 10, 11, 16 and 17, respectively). Accordingly, any review of classification or reclassification of this information is to be determined by its originator (here, the Registry) and, in case of disclosure to external parties, there is a need to retain the same level of classification.

The Registry was not consulted in the present instance on the level of classification of the information now made public by counsel for Messrs Yekatom and Ngaissona.

Accordingly, pursuant to regulations 23 *bis*(3) and 24*bis* of the Regulations of the Court, should the Chamber wish to reclassify the Request as confidential in order to protect the level of classification of the ICC records mentioned therein, the Registry would not oppose this reclassification.

Kind regards,

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*Office of the Director, Division of Court Services
Registry*