

Annex 17

[REDACTED]

From: Trial Chamber V Communications
Sent: 30 June 2020 10:23
To: D29 Yekatom Defence Team
Cc: OTP CAR IIB Managers; Struyven, Olivia; [REDACTED]; D30 Ngaissona Defence Team; [REDACTED] Trial Chamber V Communications; [REDACTED]
Subject: RE: urgent request for reclassification of Defence motion ICC-01/14-01/18-574 - Motion to Exclude Call Location Evidence
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Counsel,

The Single Judge sets 16:00 today as the deadline for the Defence's response to the Prosecution's request, if any.

Kind regards, TC V

From: [REDACTED]
Sent: 30 June 2020 08:49
To: Trial Chamber V Communications; [REDACTED]
Cc: D29 Yekatom Defence Team; OTP CAR IIB Managers; Struyven, Olivia; [REDACTED]; D30 Ngaissona Defence Team
Subject: RE: urgent request for reclassification of Defence motion ICC-01/14-01/18-574 - Motion to Exclude Call Location Evidence

Dear Trial Chamber V,

Thank you for the below instruction, CMS will inform you asap accordingly once the access has been blocked, and filing removed from public domain, where applicable.

Kind regards
 CMS

From: Trial Chamber V Communications
Sent: 30 June 2020 08:46
To: [REDACTED]
Cc: D29 Yekatom Defence Team; OTP CAR IIB Managers; Struyven, Olivia; [REDACTED] D30 Ngaissona Defence Team; Trial Chamber V Communications
Subject: RE: urgent request for reclassification of Defence motion ICC-01/14-01/18-574 - Motion to Exclude Call Location Evidence

Dear colleagues in the Registry,

In view of the request below, please temporarily block access to public filing ICC-01/14-01/18-574.

Kind regards,
 Trial Chamber V

From: Struyven, Olivia
Sent: 29 June 2020 21:34

To: Trial Chamber V Communications
Cc: D29 Yekatom Defence Team; OTP CAR IIB Managers; [REDACTED]; D30 Ngaissona
Defence Team; [REDACTED]
Subject: urgent request for reclassification of Defence motion ICC-01/14-01/18-574 - Motion to Exclude Call
Location Evidence

Dear Chamber,

In it (public) motion ICC-01/14-01/18-574 (Motion to Exclude Call Location Evidence), the YEKATOM Defence alludes to the Prosecution's use of particular investigative techniques and methods, including in other situations and cases. For instance, in paragraph 37, the Defence states:

37. Since call location data now features prominently in most criminal investigations, the Prosecution's failure to seek judicial review when obtaining call location data likely cuts across most of the situations under active investigation, including those in Mali, Sudan, Libya, Ivory Coast, and Georgia, violating the privacy rights of hundreds of more persons. The Prosecution likely continues to obtain call location data without judicial review to this very day.

Regardless of its accuracy, the Prosecution believes that this type of information should be kept confidential in order to ensure the efficiency of the investigation techniques and methods mentioned, and therefore requests (i) that the motion be reclassified as confidential with a public redacted version that redacts this type of information throughout the document; and (ii) that the motion be removed from the ICC website (if already published).

Kind regards,

Olivia Struyven