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No. ICC-01/14-01/18

Date: 23 January 2019

PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Single Judge

**SITUATION IN THE CENTRAL AFRICAN REPUBLIC II
IN THE CASE OF *THE PROSECUTOR V. ALFRED YEKATOM***

PUBLIC with one public annex

Public Redacted Version of “Decision on Disclosure and Related Matters”

Decision to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Fatou Bensouda, Prosecutor

James Stewart, Deputy Prosecutor

Counsel for the Defence

Stéphane Bourgon

Legal Representatives of Victims

Legal Representatives of Applicants

Unrepresented Victims

**Unrepresented Applicants for
Participation/Reparations**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

States Representatives

Amicus Curiae

REGISTRY

Registrar

Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

JUDGE ROSARIO SALVATORE AITALA, acting as Single Judge on behalf of Pre-Trial Chamber II (the “Chamber”) of the International Criminal Court (the “ICC”),¹ issues this decision on disclosure and related matters.

I. Procedural History

1. On 11 November 2018, the Chamber issued a warrant of arrest against Alfred Yekatom² (“Yekatom”) who was surrendered to the Court on 17 November 2018.
2. On 23 November 2018, Yekatom appeared before the Chamber.³ The confirmation hearing was scheduled to commence on Tuesday, 30 April 2019.⁴
3. On 14 December 2018, the Single Judge issued the “Decision Seeking Observations”⁵ for the purposes of establishing a disclosure calendar.
4. On 21 December 2018, the Prosecutor submitted the “Prosecution’s Request for a Protocol on Redactions” (the “Prosecutor’s Proposed Redaction Protocol”)⁶ and the “Prosecution’s Observations pursuant to Decision ICC-01/14-01/8-33” (the “Prosecutor’s Observations”);⁷ the same day, the Registry also submitted the “Registry’s Observations pursuant to ICC-01/14-01/18-33” (the “Registry Observations”).⁸
5. On 28 December 2018, the Defence submitted the “Observations on behalf of Mr. Yekatom pursuant to ‘Decision Seeking Observations’” (the “Defence Observations”).⁹
6. On 2 January 2019, the Defence requested, on an expedited basis, that it be allowed to submit its response to the Prosecutor’s Proposed Redaction Protocol” on 7 January 2019,¹⁰ which was granted by the Single Judge the same day *via* email.¹¹

¹ Pre-Trial Chamber II, Decision designating a Single Judge, 6 December 2018, ICC-01/14-01/18-27.

² Pre-Trial Chamber II, Warrant of Arrest for Alfred Yekatom, ICC-01/14-01/18-1-US-Exp. A public redacted version of the warrant of arrest was issued on 17 November 2018, *see* ICC-01/14-01/18-1-Red.

³ Pre-Trial Chamber II, Transcript of Hearing, ICC-01/14-01/18-T-1-ENG ET.

⁴ Pre-Trial Chamber II, Transcript of Hearing, ICC-01/14-01/18-T-1-ENG ET, p. 8, lines 20-25.

⁵ Pre-Trial Chamber II, ICC-01/14-01/18-33.

⁶ ICC-01/14-01/18-39 with one public annex.

⁷ ICC-01/14-01/18-40-Conf with one confidential annex.

⁸ ICC-01/14-01/18-38-Conf-Exp.

⁹ ICC-01/14-01/18-45-Conf.

7. On 7 January 2019, the Defence responded to the Prosecutor's Proposed Redaction Protocol (the "Defence Response to Prosecutor's Proposed Redaction Protocol").¹²

8. On 10 January 2019, the Prosecutor requested leave to reply on discrete issues emanating from the Defence Response to Prosecutor's Proposed Redaction Protocol,¹³ which was rejected on 11 January 2019.¹⁴

9. On 11 January 2019, the Single Judge decided that Yekatom is proficient in French for the purposes of the proceedings.¹⁵

II. Determinations of the Single Judge

10. The Single Judge notes articles 54(3)(e), 61(3), (5), (7), 67, 68(5), 69, 72 and 93(8) of the Rome Statute (the "Statute"), rules 15, 63(1), 76-83, 121 and 122 of the Rules of Procedure and Evidence (the "Rules"), regulation 26 of the Regulations of the Court and regulations 15-19, 24-28 and 53(3) of the Regulations of the Registry.

1. Principles Governing Disclosure

11. The Single Judge recalls that in order to reach the stage of holding a hearing on whether to confirm the charges, the Court's statutory documents envisage the disclosure of evidence between the parties and its communication to the Chamber, facilitated or implemented through the channel of the Registry.¹⁶ The currently applicable version of the e-Court protocol is annexed to this decision.

¹⁰ ICC-01/14-01/18-46.

¹¹ Email dated 2 January 2019 at 12:12 from the Senior Legal Adviser of the Pre-Trial Division to the Defence.

¹² ICC-01/14-01/18-47 with one public annex.

¹³ ICC-01/14-01/18-53.

¹⁴ Pre-Trial Chamber II, ICC-01/14-01/18-55.

¹⁵ Pre-Trial Chamber II, Decision on Language Proficiency of Alfred Yekatom for the Purposes of the Proceedings, ICC-01/14-01/18-56-Conf; a public redacted version is also available, ICC-01/14-01/18-56-Red.

¹⁶ Rule 121(2)(c) of the Rules. *Equally, Prosecutor v Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*, Pre-Trial Chamber I, Decision on the Evidence Disclosure Protocol and Other Related Matters ("Al Hassan Disclosure Decision"), 16 May 2018, ICC-01/12-01/18-31-tENG-Corr, paras 13-14, Pre-Trial Chamber II, *Prosecutor v Ahmad Al Faqi Al Mahdi*, Decision on issues related to disclosure and exceptions thereto, 30 September 2015, ICC-01/12-01/15-9, para. 2; Pre-Trial Chamber II, *Prosecutor v Dominic Ongwen*, Decision Setting the Regime for Evidence Disclosure and Other Related Matters ("Ongwen Disclosure Decision"), 27 February 2015, ICC-02/04-01/-15-203, para. 10.

12. As envisaged in rule 121(2)(c) of the Rules, the Chamber receives all evidence disclosed by way of communication, regardless of whether the parties intend to rely on or present said evidence during the confirmation hearing, in order to ensure that disclosure takes place under satisfactory conditions in line with the requirements of article 61(3) of the Statute together with rule 121(2)(b) of the Rules.¹⁷ This means that the Chamber shall have access to the following disclosed evidence:

- a) All evidence in the Prosecutor's possession or control (pursuant to article 67(2) of the Statute) which she believes shows or tends to show the innocence of the suspect, or to mitigate his alleged guilt, or may affect the credibility of the Prosecutor's evidence;
- b) All names of witnesses and copies of their prior statements on which the Prosecutor intends to rely at the confirmation hearing, regardless of whether the Prosecutor intends to call them to testify (rule 76 of the Rules);
- c) All rule 77 material in possession or control of the Prosecutor (incriminatory, exculpatory or mixed in nature) which is material to the preparation of the Defence or are intended for use by the Prosecutor as evidence for the purposes of the confirmation hearing or was obtained from or belonged to the person;
- d) All rule 78 material in possession or control of the Defence, which is intended for use as evidence for the purposes of the confirmation hearing;
- e) All evidence the Defence may present as per rule 79 of the Rules, on which the suspects intends to rely to establish an alibi or a ground for excluding criminal responsibility.

13. The Single Judge emphasises that the deadlines referred to in rule 121(3), (4), (5)¹⁸ and (6) of the Rules are only indicative of the *minimum* notice period a party may avail itself to comply with its disclosure obligations.¹⁹ They serve the purpose of allowing the suspect to prepare adequately for the confirmation hearing, as guaranteed in article 67(1)(b) of the Statute. The Single Judge therefore expects that the parties discharge their disclosure obligations as soon as practicable and not only on the date when the deadline indicated by the statutory documents expires.

14. The Single Judge also highlights that the *early* initiation of the process of disclosure, as soon as possible after the surrender of the suspect to the Court, better guarantees also the expeditiousness of the proceedings, guided by the overarching principle of fairness. This places an obligation on the Prosecutor, the triggering force of the proceedings, to conduct the review of the evidence as soon as it is collected during the investigation on an ongoing basis, so as to be ready to comply

¹⁷ *Equally*, Al Hassan Disclosure Decision, ICC-01/12-01/18-31-tENG-Corr, para. 14; Ongwen Disclosure Decision, ICC-02/04-01/15-203, para. 11.

¹⁸ *See* Al Hassan Disclosure Decision, ICC-01/12-01/18-31-tENG-Corr, para. 18; Ongwen Disclosure Decision, ICC-02/04-01/15-203, para. 15.

¹⁹ *Equally*, Al Hassan Disclosure Decision, ICC-01/12-01/18-31-tENG-Corr, para. 20; Ongwen Disclosure Decision, ICC-02/04-01/15-203, para. 17.

expeditiously with the disclosure obligations upon surrender of the suspect to the Court. The same logic applies for the preparation of individual risk assessments of witnesses and the referral of witnesses to the Victims and Witnesses Unit (the “VWU”) for protection purposes. [REDACTED].²⁰ However, critical to the disclosure of evidence “under satisfactory conditions” and the expeditious conduct of the proceedings is that the Prosecutor finalises individual risk assessments of witnesses (which, naturally, may change in the course of the criminal proceedings) and takes the decision to refer witnesses to the VWU sufficiently in advance, preferably during the investigation. The protection of witnesses is time-consuming and may involve the consultation and assistance of several participants along the way. The early preparation within the Office of the Prosecutor, therefore, is an essential component of and contributes to the success of the conduct of expeditious pre-trial proceedings, in particular the disclosure of evidence.

15. Noting the Prosecutor’s Observations, the Single Judge stresses that the Prosecutor commence, without delay, with the disclosure of the evidence that has already been identified as relevant to this case, and which does not require redactions.²¹

16. The Single Judge notes that the Prosecutor is “currently in the process of reviewing and assessing” article 67(2) evidence and that she commits to disclose it “as soon as practicable”. Considering the responsibility of the Prosecutor to investigate both incriminating and exculpatory circumstances equally²² the Single Judge reminds the Prosecutor that the reference to the phrase “as soon as practicable” within the meaning of article 67(2) of the Statute has been understood as being the earliest opportunity after the evidence comes into the Prosecutor’s possession. Therefore, the Prosecutor shall disclose such evidence *immediately* after having identified any such evidence, unless some justifiable reasons prevent her from doing so.²³ Indeed, the Defence must receive such evidence sufficiently in advance prior to the commencement of the confirmation hearing in order to make *effective* use of the

²⁰ [REDACTED]. [REDACTED].

²¹ Prosecutor’s Observations, para. 4(b).

²² Article 54(1)(a) of the Statute.

²³ *Equally*, Al Hassan Disclosure Decision, ICC-01/12-01/18-31-tENG-Corr, para. 24; Ongwen Disclosure Decision, ICC-02/04-01/15-203, para. 18.

right provided in article 61(6) of the Statute. In the light of the foregoing, the Single Judge expects the Prosecutor to fulfil diligently her duties under article 67(2) of the Statute and to disclose henceforth exculpatory evidence, alongside any incriminating evidence, on a rolling basis.

17. In view of the principle of publicity of proceedings, the evidence submitted shall in principle be registered as public unless there is a reason to classify it otherwise. It is incumbent upon the parties to indicate such classification when submitting the evidence for disclosure and to provide the factual and legal basis for any proposal to classify (as non-public) the evidence submitted.

18. Lastly, the Single Judge stresses that only such evidence is disclosed which is of true relevance to the case and apt to support a particular factual allegation underlying the requisite legal elements. As previously held, the Prosecutor should not “disclose the greatest volume of evidence, but [...] disclose the evidence which is of true relevance to the case, whether that evidence be incriminating or exculpatory”.²⁴ The same applies for the Defence, should it invoke its right to present evidence in accordance with article 61(6)(c) of the Statute.

2. *Discrete Defence Request for Disclosure*

19. The Defence requests that the Single Judge “invite/order the [Prosecutor] to inform the Pre-Trial Chamber and participants in detail of the procedure followed during witness interviews, including *inter alia*: (i) the number and role of interpreters during the interviews; and (ii) whether any record of the interviews – other than the signed statement whether in hard copy or electronic format – is kept or exists”.²⁵ The Single Judge refers to the Prosecutor’s disclosure obligations under rule 77 of the Rules that are subject to the restrictions on disclosure as provided in rule 81(1), (2) and (4) of the Rules.

²⁴ *Equally*, Al Hassan Disclosure Decision, ICC-01/12-01/18-31-tNG-Corr, para. 25; Ongwen Disclosure Decision, ICC-02/04-01/15-203, para. 20; Pre-Trial Chamber III, “Decision on the Evidence Disclosure System and Setting a Timetable for Disclosure between the Parties”, 31 July 2008, ICC-01/05-01/08-55, para. 67.

²⁵ Defence Observations, para. 42.

3. *Registration of Evidence*

20. The Registry will register each piece of evidence to be disclosed and communicated to the Chamber. Each piece of evidence submitted shall retain for the purpose of the confirmation proceedings its unique document identification number (document ID) as given by the submitting party. Evidence shall be submitted by the parties in its original form and a corresponding electronic copy.²⁶ The parties are reminded to include in their submission of evidence: (i) a list of evidence comprising all pieces of evidence enclosed with their respective document ID as defined in the e-Court protocol (see Annex 1); and (ii) a list of recipients; and (ii) the level of confidentiality applicable to each item and the justification for its classification other than public.

21. Unless a party raises an objection against the authenticity of a piece of evidence, the Registry shall not conduct an authentication process confirming that the electronic copy is an exact replica of the original piece of evidence. In the event that a piece of evidence, or part of it, needs to be replaced in the record of the case upon an objection, the document shall be provided in accordance with the e-Court protocol. Translations of rule 76 evidence shall be provided in accordance with the e-Court protocol; in the metadata their document ID shall be hyperlinked with that of the original rule 76 evidence.

4. *Documents affected by articles 54(3)(e), 72 and 93(8) of the Statute*

22. It is the obligation of the Prosecutor, in case her Office has received material to be disclosed pursuant to article 67(2) of the Statute and rule 77 of the Rules that is protected under articles 54(3)(e), 72 and 93(8) of the Statute, to ensure that disclosure can take place without undue delay. The Single Judge agrees with the Defence and urges the Prosecutor to conclude the article 54(3)(e) review as expeditiously as possible so that, if necessary, the time-consuming process of seeking the consent of the information providers to lift the restriction can start and disclosure can take place without delay. To this end, the Single Judge orders the Prosecutor to submit a progress report on this issue at the latest on Friday, 8 February 2019.

²⁶ See also regulation 53(3) of the Regulations of the Registry.

5. *Exceptions to Disclosure (Redactions)*

23. Following the practice of the pre-trial chambers, the Single Judge adopts the redaction regime as it is applied in the case of the *Prosecutor v Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud*. The following procedure shall apply:

24. The Prosecutor and the Defence,²⁷ as the case may be, may disclose evidence with redactions of information in standard categories under rule 81(2) and (4) of the Rules without discrete application to the Chamber, except as provided in paragraph 32 below. When disclosing redacted evidence, the disclosing party shall indicate the type of redaction in the redaction box by using the codes as set forth below. The Single Judge does not consider it necessary to direct the parties to cover the redacted text in black in its entirety or to use the word “Redacted” in square brackets (“[REDACTED]”) to depict a redaction.²⁸

25. Under rule 81(2) of the Rules, the Prosecutor may withhold information falling under any of the following categories:

- Category “A.1”: Locations of witness interviews/accommodation, insofar as disclosure would unduly attract attention to the movements of the Prosecutor’s staff and witnesses, thereby posing a risk to ongoing or future investigations;
- Category “A.2”: Identifying and contact information of the Prosecutor’s, VWU or other Court staff members who travel frequently to, or are based in, the field, insofar as disclosure of this information could hinder their work in the field and thereby put at risk the ongoing or future investigations of the Prosecutor (to be further specified as “A.2.1” for translators, “A.2.2” for interpreters, “A.2.3” for stenographers, “A.2.4” for psycho-social experts, “A.2.5” for other medical experts and “A.2.6” for other staff members falling within this category);
- Category “A.3”: Identifying and contact information of translators, interpreters, stenographers and psycho-social experts assisting during interviews who are not members of the Prosecutor’s staff but who travel frequently to, or are based in the field, insofar as disclosure of this information could hinder their work so that the Prosecutor could no longer rely on them, and thereby put at risk ongoing or future investigations of the Prosecutor (to be further specified as “A.3.1” for translators, “A.3.2” for interpreters, “A.3.3” for stenographers, “A.3.4” for psycho-social experts, “A.3.5” for other medical experts and “A.3.6” for other persons falling within this category);
- Category “A.4”: Identifying and contact information of investigators, insofar as disclosure of this information could hinder their work in the field, thereby putting at risk the ongoing or future investigations of the Prosecutor;
- Category “A.5”: Identifying and contact information of intermediaries, insofar as disclosure of this information could hinder their work in the field, thereby putting at risk the ongoing or future investigations of the Prosecutor;

²⁷ The Chamber will address the right of victims to present evidence, in accordance with the jurisprudence of the Appeals Chamber, in the decision concerning their participatory rights.

²⁸ Defence Observations, para. 64.

- Category “A.6”: Identifying and contact information of leads and sources, insofar as disclosure of this information could result in the leads and sources being intimidated or interfered with and would thereby put at risk the ongoing or future investigations of the Prosecutor (to be further specified as “A.6.1” for individual sources, “A.6.2” for Non-Governmental Organisations, “A.6.3” for international organisations; “A.6.4” for national governmental agencies, “A.6.5” for academic sources, “A.6.6” for private-sector companies and “A.6.7” for other sources);
- Category “A.7”: Means used to communicate with witnesses, insofar as disclosure of this information may compromise investigation techniques or the location of witnesses and would thereby put at risk the ongoing or future investigations of the Prosecutor;
- Category “A.8”: Other redactions under rule 81(2) of the Rules;

26. Under rule 81(4) of the Rules, the Prosecutor and the Defence may withhold information falling under any of the following categories:

- Category “B.1”: Recent contact information of witnesses, insofar as necessary to protect the safety of the witness;
- Category “B.2”: Identifying and contact information of family members of witnesses, insofar as necessary to protect their safety;
- Category “B.3”: Identifying and contact information of “other persons at risk as a result of the activities of the Court” (“innocent third parties”), insofar as necessary to protect their safety;
- Category “B.4”: Location of witnesses who are admitted in the International Criminal Court Protection Programme (“ICCPP”) and information revealing the places used for present and future relocation of these witnesses, including before they enter the ICCPP;
- Category “B.5”: Other redactions under rule 81(4) of the Rules.

27. If the disclosing party redacts evidence prior to disclosure on the basis of rule 81(1) of the Rules, it shall mark this in the redaction box as category “E”.

28. The Single Judge has noted the arguments of the Defence in relation to the standard redaction categories.²⁹ However, the Single Judge finds that the categories, as set out above, are well-founded in the case-law and practice of this Court across instances. The practice of other tribunals is irrelevant in this regard. Considering that the conditions³⁰ under which information may be withheld from the receiving party are clearly defined and delineated in the jurisprudence of this Court, the Single Judge

²⁹ Defence Observations, paras pp. 6-19.

³⁰ According to the established jurisprudence, in assessing a rule 81(2) or (4) request, it must be ascertained whether: (i) the disclosure of the information in question to the Defence (as opposed to disclosing the information to the general public) would pose an objectively justifiable risk to the protected person (or interest); (ii) the protective measure is necessary, including whether it is the least intrusive measure necessary to protect the person (or interest) concerned; and (iii) any such measure is proportionate in view of the prejudice caused to the suspect and a fair and impartial trial, *see Appeals Chamber, Prosecutor v Thomas Lubanga Dyilo*, Judgment on the appeal of Mr. Thomas Lubanga Dyilo against the decision of Pre-Trial Chamber I entitled “First Decision on the Prosecution Requests and Amended Requests for Redactions under Rule 81”, 14 December 2006, ICC-01/04-01/06-773 (OA5), para. 21; *Prosecutor v Germain Katanga*, Judgment on the appeal of the Prosecutor against the decision of Pre-Trial Chamber I entitled “First Decision on the Prosecution Request for Authorisation to Redact Witness Statements”, 13 May 2008, ICC-01/04-01/07-475 (OA), paras 95-99.

finds that disclosing parties have sufficient guidance in implementing the redactions, if any, before disclosing the evidence. In addition, the Single Judge recalls that the receiving party may challenge any specific redaction, in accordance with the regime established in this decision. And lastly, the Single Judge underscores that the Chamber will be provided with the unredacted evidence in order to be able to verify, at its discretion, the necessity of redactions thus introducing an additional layer of review in the redaction system established by this decision (see below).

29. When disclosing evidence with redactions, the disclosing parties shall assign unique pseudonyms to any persons whose identity is redacted. The disclosing parties need not provide the category code and/or a pseudonym when doing so would defeat the purpose of the redaction but shall make clear which codes/pseudonyms are missing for this reason. The Defence argument that the code/pseudonym be always indicated, without exception,³¹ is untenable as the rights of the Defence, in this instance, must be balanced against the interests of witnesses and others to be protected. On balance, the Single Judge considers it sufficient that the disclosing party provide the reasons for the missing code/pseudonym and, in case of dispute, the Chamber intervene, as set forth below.

30. Should the receiving party consider that a particular redaction is unwarranted or should be lifted as a result of changed circumstances, it shall approach the disclosing party directly. The disputing parties shall consult in good faith with a view to resolving the matter. The Single Judge does not find it necessary to set up a time schedule for the parties which, ultimately, may not prove to be viable.³² Calling on the professionalism of both parties, the Single Judge expects that the parties cooperate on this matter in good faith. If they are unable to agree, the receiving party may apply to the Chamber for a ruling. In such case, the onus shall be on the disclosing party to justify the particular redaction, and it shall file submissions in the record of the case within three days from notification of the application made by the receiving party, unless otherwise decided by the Chamber. Thereafter, the Chamber will rule as to whether the disputed redaction is to be lifted or maintained. In the light of the above, the Single Judge does not find it necessary to establish separately a specific regime for

³¹ Defence Observations, para. 62.

³² Defence Observations, para. 68.

the 30-day period prior to the commencement of the hearing.³³ Bearing in mind the specific time limits under rule 121(5) and (6) of the Rules, the Single Judge is of the view that the consultation process must be conducted as expeditiously as possible. Moreover, the parties are always in a position to submit urgent filings to the Chamber.

31. The disclosing party shall monitor the continued necessity for redactions and shall re-disclose evidence with lesser redactions as soon as the reasons justifying them cease to exist, or if applicable, make an application under regulation 42(3) of the Regulations of the Court. In order to verify, at its discretion, the validity of any redactions made by the disclosing party and, if necessary, order the disclosing party *proprio motu* to lift, partially or fully, any redactions, after having given the disclosing party the opportunity to submit its observations, the Single Judge considers it appropriate that the Chamber receive the evidence as disclosed to the Defence, but also in non-redacted version. The only purpose of communicating that non-redacted version of evidence to the Chamber shall be to give it the opportunity to verify, pursuant to rule 81 of the Rules, the scope and validity of any redactions made. Certainly, in its decision on the confirmation of charges, the Chamber shall take into account only the version of evidence that was disclosed between the parties.

32. The above procedure shall not apply to the non-disclosure of witnesses' identities before the commencement of trial or to the non-disclosure of entire items of evidence. In such cases, the disclosing party shall submit a discrete application to the Chamber sufficiently in advance so as to allow for the timely decision by the Chamber and the subsequent disclosure of evidence within the time limits prescribed in the Rules. Such application shall also be notified, with appropriate redactions, to the receiving party.

6. Disclosure Calendar

33. Finally, the Single is of the view, in order to ensure the timely disclosure of the evidence in this case, that the Prosecutor should be ordered to submit no later than Monday, 4 February 2019 a provisional schedule for the disclosure of the evidence she intends to present for the purposes of the confirmation hearing.

³³ Defence Observations, para. 69.

FOR THESE REASONS, THE SINGLE JUDGE HEREBY

- a) **DECIDES** that the disclosure process between the parties shall be facilitated or implemented through the channel of the Registry;
- b) **ORDERS** the parties submitting any evidence to present the original of the evidence as well as its electronic copy, or in case of tangible objects, the object itself together with an electronic photograph to the Registry;
- c) **ORDERS** the parties to submit evidence in a timely manner, preferably *well before* the expiration of the deadlines envisaged in rule 121(3)-(6) of the Rules;
- d) **DECIDES** that the parties comply with the registration procedure set out in paragraphs 20-21 of the present decision and follow the standards as further defined in the e-Court protocol;
- e) **ORDERS** the Registrar to register electronic copies of any evidence, including digital photographs of tangible objects, in the record of the case and to store its original in the Registry vault;
- f) **ORDERS** the Registrar to ensure unrestricted access to the Chamber of all evidence disclosed between the parties and to organise with the Prosecutor a system which also gives it access to evidence in non-redacted form, as the case may be;
- g) **ORDERS** the Registrar to report any related practical or security concerns to the Chamber as soon as identified;
- h) **ORDERS** the Prosecutor to submit a progress report on Friday, 8 February 2019 on the material referred to in paragraph 22 of this decision;
- i) **ORDERS** the parties to follow the terms of the Redaction Protocol as set forth in paragraphs 23-32 of this decision; and
- j) **ORDERS** the Prosecutor to submit a provisional schedule for the disclosure of the evidence she intends to present for the purposes of the confirmation hearing no later than Monday, 4 February 2019.

Done in both English and French, the English version being authoritative.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end.

**Judge Rosario Salvatore Aitala,
Single Judge**

Dated this Wednesday, 23 January 2019

At The Hague, The Netherlands