

Annex 32

Public

From: Trial Chamber X Communications
Sent: 17 February 2021 09:10
To: [REDACTED]; Trial Chamber X Communications
Cc: Dutertre, Gilles; [REDACTED]; Luping, Dianne; [REDACTED] Martin Salgado, Elena; Sardachti, Marie-Jeanne; Sandoval, Raymond; Taylor, Melinda; [REDACTED]
 [REDACTED] Doumbia, Seydou; Kassongo, Mayombo; [REDACTED] Nsita Luvengika, Fidel; [REDACTED]
 [REDACTED]; VWS Psychosocial Support Unit; VWS OPS Room; VWS Case Development Team; VWS Planning Team; [REDACTED]
Subject: [REDACTED] Chamber Decisions Communication
 Decision on in-court protection measures for witness MLI-OTP-P-0081

Dear counsel,
 Dear colleagues,

The Chamber recalls that the Prosecution requested protective measures for P-0081 and that this application was not opposed by the LRVs and the Defence.

Notwithstanding, the Chamber decided that the available information at that time was insufficient to justify the use of the protective measures sought. The Chamber however noted that this was without prejudice to the VWU raising specific concerns in its upcoming assessment or right of this witness to bring his own application for protective measures (Decision ICC-01/12-01/18-1280-Conf-Red, para. 15).

Having had regard to the VWU assessment below, recommending in-court protective measures for P-0081, the Chamber is satisfied that exposing the witness's identity to the public gives rise to an objectively justifiable risk. The Chamber notes in particular the additional information provided as regards the witnesses' concerns and the VWU's protection analysis.

In view of the impending testimony and noting the prior submissions of the parties in respect of the in court protective measures for P-0081, the Chamber considers it appropriate to exceptionally grant the sought protective measures via email, without receiving further observations from the parties.

For these reasons, the Chamber, pursuant to Rule 87 of the Rules of Procedure and Evidence, grants the following in court protective measures recommended by VWU with respect to P-0081, that is: face distortion; use of the pseudonym; use of private/closed sessions; and redaction of any identifying information from any record that may be disseminated to the public. The parties and participants are reminded to fully comply with the Chamber's recent directions on the use of private and/or closed sessions (ICC-01/12-01/18-1265).

Kind regards,

[REDACTED]
 (on behalf of Trial Chamber X)

From: [REDACTED]
Sent: 16 February 2021 15:26
To: Trial Chamber X Communications
Cc: Dutertre, Gilles ; [REDACTED] ; Luping, Dianne ; [REDACTED] ; Martin Salgado, Elena ; Sardachti, Marie-Jeanne ; Sandoval, Raymond ; Taylor, Melinda ; [REDACTED]
 [REDACTED] ; Doumbia, Seydou ; Kassongo, Mayombo ; [REDACTED] ; Nsita Luvengika, Fidel ; [REDACTED]
 [REDACTED] VWS Psychosocial Support Unit ; VWS

OPS Room ; VWS Case Development Team ; VWS Planning Team ; [REDACTED]
[REDACTED]

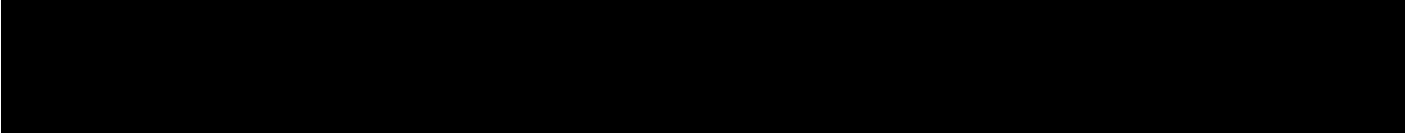
Subject: RE: In-court protection measures for witness MLI-OTP-P-0081

Dear colleagues,
Dear counsels,

Would you please consider this additional corrected version of the in-court protection measures report in relation to MLI-OTP-0081 and disregard the previous one sent at 15h11.

Witness's Concerns

On 15 February 2021, the VWU interviewed the witness to assess the necessity of in-court protection measures. The process was explained; the witness acknowledged his understanding of the protection measures and requested their application during his testimony. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].



Recommendation

The VWU takes note of the “Fifth Decision on in-court protective measures for witnesses” issued by Trial Chamber on 3 February 2021 (ICC-01/12-01/18-1280-Conf-Exp and ICC-01/12-01/18-1280-Conf-Red) rejecting the Prosecution’s request for in-court protective measures for the witness. However, in light of the additional information gleaned through its interview, the VWU considers that the application of in-court protection measures may prevent a future escalation in risk. Based on this, the VWU recommends the following in-court protection measures:

- image distortion
- use of pseudonym /allocation of a new pseudonym;
- use of closed and/or private session for identifying information, including portions of testimony which by nature could be identifying ;
- redaction of any identifying information from any record that may be disseminated to the public

Kind regards,

IO