

Annex 37

Public

From: Trial Chamber X Communications
Sent: 22 February 2021 08:10
To: Chamber Decisions Communication
Subject: FW: In-court protection measures for witness MLI-OTP-P-0431

For the record.

From: Trial Chamber X Communications
Sent: 22 February 2021 08:10
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]
[REDACTED]
Subject: RE: In-court protection measures for witness MLI-OTP-P-0431

Dear counsel,
Dear colleagues,

The Chamber recalls that the Prosecution requested protective measures for P-0431 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 voice distortion. The Chamber therefore authorised the use of face distortion, use of pseudonym and use of private and closed sessions, but rejected the request for voice distortion. The Chamber however noted that this was without prejudice to the VWU's assessment to recommend otherwise or the right of P-0431 to bring his own application for further protective measures (Decision ICC-01/12-01/18-1266-Conf-Red, para. 24).

Having had regard to the VWU assessment below, recommending the use of voice distortion in addition to the in-court protective measures already in place for P-0431, the Chamber grants the additional protective measure of voice distortion.

In view of the impending testimony and noting the prior submissions of the parties in respect of the in court protective measures for P-0431, 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-0431, that is: face and voice 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: 19 February 2021 14:52
To: Trial Chamber X Communications <[TrialChamberXCommunications](#)> [REDACTED]
Cc: Dutertre, Gilles <[REDACTED]>; [REDACTED]; Luping, Dianne [REDACTED]; Martin Salgado, Elena [REDACTED]; Sardachti, Marie-Jeanne [REDACTED]; Sandoval, Raymond [REDACTED]; Taylor, Melinda <[mtaylor](#)> [REDACTED]
 [REDACTED]
 [REDACTED] Doumbia, Seydou <[sdoumbia](#)> [REDACTED]; Kassongo, Mayombo <[mkassongo](#)> [REDACTED]
 [REDACTED]; Nsita Luvengika, Fidel <[FNsitaLuvengika](#)> [REDACTED]
 [REDACTED]
 [REDACTED]; VWS Psychosocial Support Unit <[VWSPsychosocialSupportUnit](#)> [REDACTED]; VWS OPS Room <[VWSOPSRoom](#)> [REDACTED]; VWS Case Development Team <[VWSCaseDevelopmentTeam](#)> [REDACTED]; VWS Planning Team <[vwsplanningteam](#)> [REDACTED]
 [REDACTED]
 [REDACTED]
Subject: In-court protection measures for witness MLI-OTP-P-0431

Dear colleagues,
 Dear counsels,

Please find below the in-court protection measures report in relation to MLI-OTP-0431.

[REDACTED]

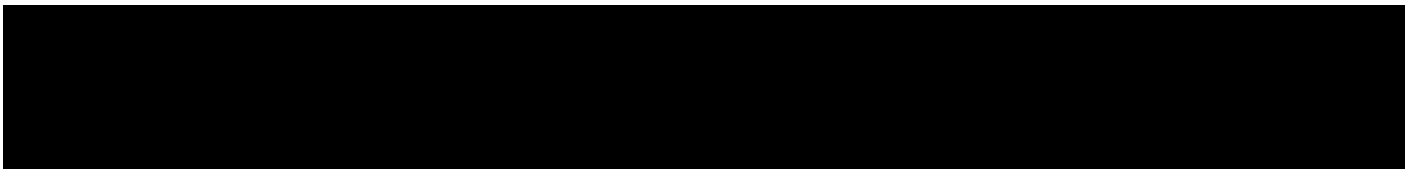
Witness's Concerns

[REDACTED] 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]

Based on this, the VWU is of the view that the witness's concerns are valid and considers that there would be an increased likelihood of the witness being identified in the absence of voice distortion.

[REDACTED]



Recommendation

The VWU takes note of the “Fourth decision on in-court protective measures” issued on 26 January 2021 (ICC-01/12-01/18-1266-Conf-Exp and ICC-01/12-01/18-1266-Conf-Red) which partially grants the 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 the voice distortion in addition to the others in-court protection measures may prevent a future escalation in risk. Based on this, the VWU recommends the following in-court protection measures:

- Image/voice 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,

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