

ANNEX 29

PUBLIC REDACTED

From: Trial Chamber VI Communications
Sent: 28 September 2022 21:25
To: [REDACTED]; Trial Chamber VI Communications
Cc: Associate Legal Officer-Court Officer; Court Management-Court Sessions; Chamber Decisions Communication
Subject: RE: SAID : Practical matters in court - Registry CMS Request for guidance

Dear [REDACTED]

Thank you for your email.

On behalf of the Presiding Judge, please note the following:

- 1) The Chamber confirms, as you note, that material presented in the courtroom should be displayed as confidential by default, unless otherwise stated by the examining party.
- 2) The witness information sheet can be shared with the parties and participants, provided that the sheet does not contain any *ex parte* information pertaining to the witness which should not be shared. The Chamber understands that these sheets do not contain such information.
- 3) Regarding time keeping, the Registry should only suspend the time during questioning when an objection/intervention lasts longer than 2 minutes.
- 4) Regarding electronic devices and phones in the courtroom. The Chamber leaves this to the Court Officer to manage and monitor. Should there be any persistent breaches, please notify the Chamber.
- 5) Regarding the automated update of JEM metadata for formally submitted items, the Chamber defers to the Registry in this regard and leaves it to the Court Officer to coordinate that process in the manner that is most efficient for her.

Kind regards,

[REDACTED] (on behalf of the Presiding Judge)

From: [REDACTED]
Sent: 28 September 2022 17:26
To: Trial Chamber VI Communications [REDACTED]
Cc: Associate Legal Officer-Court Officer [REDACTED] Court Management-Court Sessions [REDACTED]
Subject: SAID : Practical matters in court - Registry CMS Request for guidance

Dear Trial Chamber VI colleagues,

The Registry CMS would like to address the Chamber on some practical matters which would contribute to a smooth conduct of proceedings and hereby seeks for the Chamber's guidance accordingly.

- **Level of confidentiality for evidence presented in court : confidential by default**

According to the Additional Directions on the Conduct of Proceedings : *"When submitting the List of Material, the parties and participants are instructed to indicate the expected level of confidentiality (public or confidential) of all items included"* (par. 14).

The Registry would like to seek the Chamber's confirmation that material presented in court will be displayed as confidential by default unless otherwise stated orally by the calling party. Considering the high number of confidential material in the case record, this practice is deemed to be the safest if the Chamber also agrees.

- **Witness Information Sheet in JEM/NUIX**

In each case, a witness information sheet is available to the Chamber and at least to the calling party in JEM. This sheet contains all the information pertaining to the witness i.e. name of the witness, length of questionings, mode of testimony, protective measures, list of material used during his or her testimony.

The Registry would like to enquire before the Chamber whether such information can be shared with the parties and participants so access can be granted accordingly.

- **Time keeping matters**

The Court officer is in charge of tracking the time used by the parties and participants during their respective questioning. The practice adopted so far is to automatically suspend the time when a witness is leaving the court/transmission room (VTC) or when there's a serious technical issue preventing the parties to continue their questioning.

Some objections can also trigger lengthy debates between the parties and participants; in this case, the practice adopted so far by chambers is to suspend the time when exchanges lasts more than 2 to 5 minutes.

Therefore, could the Chamber kindly inform the Registry how long it should wait before suspending the time during the parties and participants' questioning ?

- **Private electronic devices, and phone in courtroom**

The Registry CMS already noticed that phones were brought into the courtroom during the opening statements. Please be informed that CMS met today with the Prosecution, the OPCV and the Defence teams in courtroom 1 for an introduction meeting on the support that Registry/CMS provides during the hearing. During the presentation we took the opportunity to inform the parties and participants that no phone or electronic private devices are allowed in the courtroom for security reasons (especially when protected witnesses are testifying). Drinks or snacks are also forbidden in the courtroom.

Please be reassured that the Court Officer will remind the parties and participants to comply with these rules each time it notices any breach and report it to the Chamber if necessary or in case of recurring incidents.

- **Automated update of JEM metadata for Formally submitted items**

The Registry CMS expects an important number of material to be considered as formally submitted following the first chamber's decisions.

In order to reflect the Chamber's decision on *Formally submitted* items in the JEM metadata in a timely manner, it would be very helpful if the Court Officer could ask the original version of the table, parties attach to their requests for admission by email before the Chamber.

Usually done in excel or word this list is useful for the Court officer to update the items 'metadata automatically all at once (instead of doing it manually one by one). The Registry will of course make sure to remove the rejected ERN from the lists received in compliance with the Chamber's decision if it agrees.

CMS remains available should the Chamber require additional information.

Thank you,

Best regards,



