

ANNEX XXX

PUBLIC

[REDACTED]

From: Trial Chamber IX Communications
Sent: 25 March 2019 15:36
To: [REDACTED]
Cc: Trial Chamber IX Communications
Subject: Rule 74 assurances for D-92

Dear Parties and Participants,

In filing 1491-Conf, [REDACTED], requested that the Trial Chamber grant Rule 74 assurances to D-92 as well as the protective measures of pseudonym and image and voice distortion.

The Trial Chamber notes that the summary of D-92's forthcoming testimony does not delve into topics that would seem to incriminate the witness. The legal adviser has also indicated in paragraph 7 of her request that the risk of the witness providing self-incriminating evidence is low. Accordingly, the request for Rule 74 assurances is rejected and the Trial Chamber does not consider [REDACTED] presence during the testimony of D-92 to be necessary.

As concerns the request for protective measures, the Trial Chamber considers that, according to the Legal Adviser's submissions (paragraphs 11-19), any potential risk to the witness emanates from the possibility of him providing incriminating evidence against former LRA officers. Should the witness's testimony delve into such matters, the Defence has recourse to the use of private session as needed. The Trial Chamber accordingly considers that the witness's concerns are most appropriately addressed by the use of private session and therefore rejects the legal adviser's request for protective measures such pseudonym and face and image distortion, closed session for information revealing the witness's identity, and an order to the participants in the proceedings for non-disclosure of the witness's identity.

The Registry is ordered to inform [REDACTED] of this decision and that her presence in the courtroom is not required.

Kind regards,

Trial Chamber IX