

Annex 2

Public Redacted

From: Trial Chamber VI Communications
Sent: 01 October 2024 12:33
To: [REDACTED] Associate Legal Officer-Court Officer; [REDACTED]
Cc: [REDACTED]
[REDACTED] Chamber Decisions
Communication; Trial Chamber VI Communications
Subject: Decision regarding the upcoming AVL Testimony for P-3112

[ICC] RESTRICTED

Dear [REDACTED],

The Chamber has taken note of the fact that P-3112 is expected to testify via video link from the *Tribunal Judiciaire d'Aix en Provence*.

The Chamber also notes that the VWU is confident that the facilities in the remote location will offer the same or equivalent conditions as the ICC HQ in terms of the witness safety. It further notes that a similar location was already successfully used in another case.

Based on this, the Chamber is satisfied that the venue chosen for the conduct of the AVL is conducive to the giving of truthful and open testimony and to the safety and wellbeing of the witness concerned. Accordingly, the Chamber finds that the conditions of rule 67 of the Rules of Procedure and Evidence will be satisfied and authorises the remote testimony of P-3112.

The Chamber expects the Registry to ensure that the agreed modalities by the national authorities are abided by, and that the witness will be able to testify from a secure, quiet and private room. In addition, the Chamber expects the Registry to ensure that the witness will not be influenced during his testimony, including during breaks, and that the witness will be able to see the interlocutors in the courtroom during questioning. Lastly, the Chamber expects that any recommendations regarding special measures can be implemented from the remote location.

Kind regards,
Trial Chamber VI

From: [REDACTED]
Sent: Tuesday, October 1, 2024 11:45 AM
To: Trial Chamber VI Communications <[REDACTED]>
Cc: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Subject: RE: Upcoming AVL Testimony for P-3112

[ICC] RESTRICTED

Dear colleagues,

The VWU would like to inform the Chamber that the VWU has been working, in coordination with the JCSS and the French authorities, on the facilitation of a video-link in France for the testimony of witness CAR-P-3112 on 8-10 and 14 October and 16 July from the *Tribunal Judiciaire* [REDACTED]. Such videolink appearance is required due to the serious medical condition of the witness preventing him to travel to The Hague.

Separate emails on the modalities of the testimony and presence of French courtroom personnel have been already exchanged with the Chamber. On 18 September 2024 based on the feedback received from the Chamber, [REDACTED]

In accordance Trial Chamber VI communications of 31 May 2023 related to the “Decision on the Use of Audio-Video Link Technology” (ICC-01/14-01/21-442) dated 4 August 2022, the VWU would like to inform the Chamber that the Registry is reasonably confident that the facilities in the French Tribunal will offer the same or equivalent conditions as the ICC HQ in terms of the witness safety.

The testimony will take place in a French Tribunal which is similar to the one already used in the past for a testimony via video-link in the case of *The Prosecutor v. Al Hassan Ag Abdoul Aziz Ag Mohamed Ag Mahmoud* (ICC-01/12-01/18). Therefore this type of a venue is well-known to the VWU and fulfils all the requirements set-up by the Chamber in the above mentioned decision in paragraphs 10 and 11.

We remain available to provide you with any additional information necessary to decide on AVL for P-3112.

Kind regards

[REDACTED] for the VWS Legal team



From: [REDACTED]
Sent: Monday, September 30, 2024 3:56 PM

To: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Subject: Upcoming AVL Testimony for P-3112

[ICC] RESTRICTED

Hi [REDACTED]

I hope all is well your way. I am reaching out because, as you know, witness P-3112 will be testifying in the *Said* trial next week (beginning on 8 October). However, in order for the Chamber to issue a decision authorising P-3112 to testify via AVL, the VWU must provide the Chamber with necessary information to enable it to consider and decide on AVL for P-3112. For reference, the VWU previously sent such an email (on 3 July 2024 at 15h56) to TC VI in relation to P-0349.

We would appreciate it if you could submit such a request to the Trial Chamber VI inbox at your earliest convenience.

Thank you in advance and please feel free to reach out if you have any questions.

All the best,

[REDACTED]