

Annex 2

Public Redacted

From: [REDACTED]
Sent: 19 April 2023 17:04
To: Trial Chamber V Communications [REDACTED]
Cc: Office of the Director DJSS [REDACTED] Associate Legal Officer-Court Officer
[REDACTED]
[REDACTED]
[REDACTED]
Subject: VPRS request in Y/N case on OTP Courtesy copy of the information received from VPRS

[ICC] RESTRICTED

Dear Trial Chamber V,

Dear Colleagues,

Following the below OTP notice of disclosure to parties and participants, the VPRS respectfully seeks the Chamber's approval to inform its intermediaries listed in the attached table that their identity has been disclosed to parties and participants. This would provide the persons with adequate notice as to who in the ICC proceedings holds information about them. This would be in line with this Chamber's previous ruling on a comparable matter (see ICC-01/14-01/18-1578-Conf, para. 36).

In addition, in an effort to mitigate the impact of such exceptional disclosures on its activities on the ground, VPRS kindly asks the Chamber to consider instructing parties and participants who wish to contact any of the listed Registry intermediaries – who are not also witnesses - to notify VPRS first, so it can inform the latter, seek their prior consent to be contacted and inform the relevant party/participant about the most convenient/safest manner to reach the relevant intermediary. This protocol would take due consideration to the intermediaries' well-being and privacy, and allow for a more secure framework, considering the security situation in CAR and the confidential nature of these individuals' involvement with the Registry (sometimes even kept secret from their own families).

Kind regards,

[REDACTED]

(VPRS)

From: [REDACTED]
Sent: 17 April 2023 10:25
To: OTP CAR IIB [REDACTED]
Cc: VPRS CAR [REDACTED]
Subject: RE: Courtesy copy of the information received from VPRS

[ICC] RESTRICTED

Dear OTP team,

Thank you for the Courtesy copy you sent last week and for consulting with us on the issue of disclosure of the contact details of our intermediaries.

As you can imagine, the disclosure of information pertaining to VPRS intermediaries will impact on our activities on the ground. The safety of our intermediaries as well as the one of our focal points in CAR is a primary concern and must be appropriately protected (see ICC-01/14-01/18-1302-Conf-Red, paras 15-19 and ICC-01/14-01/18-1737-Conf-Exp, para 11). The VPRS further considers that, in line with the Court's jurisprudence (ICC-01/14-01/21-171, para. 51), the victim application process should not be confused with material holding evidentiary value regarding the alleged charges in a case, nor provide a ground for investigation. By providing the contact details of these individuals to the Defence team, the VPRS considers that risks to the safety of its intermediaries will be increased. We therefore kindly ask the Prosecution to maintain relevant redactions. Please let us know if you disagree.

Lastly, we are concerned with the fact that the identity of relevant intermediaries was disclosed by the Prosecution to Mr. Ngaissona's Defence and to the Common Legal Representatives of the Victims of the Other Groups, although they are not concerned with the charges regarding child soldiers. Was this maybe an error?

Kind regards

From: OTP CAR IIB [REDACTED]
Sent: 13 April 2023 18:35
To: Trial Chamber V Communications [REDACTED] D29 Yekatom Defence Team
[REDACTED] V45 LRV Team [REDACTED]; D30 Ngaissona Defence Team
[REDACTED] V44 LRV Team OPCV [REDACTED] V44 LRV Team
[REDACTED]
Cc: VPRS CAR [REDACTED] OTP CAR IIB [REDACTED]
Subject: Courtesy copy of the information received from VPRS

Dear Trial Chamber V,
Dear All,

Please find here attached a courtesy copy of the information received from VPRS. The redactions to the phone numbers were applied, pending consultations with VPRS.

The document will be formally disclosed as soon as practicable.

Kind regards,
On behalf of the OTP Trial Team