

ANNEX A

**Public Redacted Version
of ANNEX A
to “Decision on the ‘Submission on
Defence Evidence’”
ICC-01/05-01/08-2225 of 7 June 2012**

1. In this Annex, the Chamber deals with confidential issues raised in the Second Defence Submission that need to be addressed on an *ex parte* basis.
2. First, as the defence presentation of its evidence has not yet started, the Chamber rejects at this early stage the defence's suggestion that its proposed witnesses be called [REDACTED].¹ Instead, the Chamber instructs the defence to liaise with the Registry in order to ensure that, if necessary, defence witnesses be provided with the document referred to in paragraph 2 of Article 19 of the Agreement on the Privileges and Immunities of the International Criminal Court and paragraph 2 of Article 26 of the Headquarters Agreement between the International Criminal Court and the host State.
3. Second, the Chamber orders the defence and the Registry to liaise in order to explore possible solutions to the problems faced by many of the proposed witnesses in relation to their testifying before the Chamber at the seat of the Court. In particular, the Chamber instructs the defence and the Registry to assess the feasibility of various alternatives to live testimony in The Hague and to inform the Chamber accordingly by no later than 29 June 2012, particularly in relation to:
 - a. Testimony *via* video-link [REDACTED];

¹ Transcript of hearing on 10 May 2012, ICC-01/05-01/08-T-226-CONF-EXP-ENG ET, page 3, line 21 *et seq.*

- b. Introduction of the testimony of defence witnesses in accordance with Rule 68(a) of the Rules of Procedure and Evidence;² and
- c. The feasibility of holding *in situ* hearings [REDACTED].

² See e.g. Transcript of hearing on 12 November 2010, ICC-01/04-01/06-T-333-Red2-ENG, page 18, line 21 to page 21, line 9, and Transcript of hearing on 25 November 2010, ICC-01/04-01/06-T-337-Red2-ENG, page 1, line 23 to page 2, line 6.