

ANNEX 42

PUBLIC

[REDACTED]

From: Trial Chamber IX Communications
Sent: 26 January 2017 12:11
To: [REDACTED]
Cc: Trial Chamber IX Communications
Subject: Direction on Anticipated Testimony Identified as Requiring Private or Closed Session
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Counsel:

Paragraph 19 of decision 497 provides that '[a]t least five days before a witness commences testifying, the calling participant shall provide the Chamber and other participants with a list, via email, of any material(s) to be used during its examination of that witness'.

In these emails going forward, the calling participant must also indicate the specific information which it considers can only be discussed in private or closed session (topics, names, places, etc.). The calling participant may supplement this information upon receipt of the emails containing the documents of the non-calling participants (see para. 20 of decision 497), but any such supplement must be done as soon as possible upon receipt of the non-calling participants' emails.

These measures serve to provide advance notice to the participants and Chamber as to what the calling participant considers can only be discussed in private or closed session. They are intended to reduce the need to go into private session and avoid frequently going back and forth between public and private session. In this regard, the participants are again reminded that '[t]o the extent possible, the participants are directed to group identifying questions together to avoid unnecessary recourse to private and/or closed session' (para. 36 of decision 497).

The Prosecution has already sent the emails containing the list of materials to be used for P-59 and P-19. The Prosecution is to provide the additional information indicated for these two witnesses as soon as is practicable.

Best,

[REDACTED] on behalf of Trial Chamber IX