

ANNEX 1

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From: Trial Chamber IX Communications
Sent: 02 May 2017 12:18
To: [REDACTED]
Cc: Trial Chamber IX Communications; [REDACTED]
Subject: Decision on Request for Clarification on Familiarisation Protocol
Follow Up Flag: Follow up
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Dear Counsel:

Yesterday, there was a short discussion about the extent to which the Prosecution may meet with witnesses shortly before the start of the familiarisation process specified in Annex 1 of Decision 504 (ICC-02/04-01/15-T-67-CONF-FRA ET, page 2 line 19 to page 5 line 28). The Chamber's remarks followed receipt of information that the Prosecution met with P-352 to review her prior statement less than a week before the start of the familiarisation process.

The Prosecution requested clarification from the Chamber on how to meet with witnesses shortly before familiarisation in a manner consistent with the Chamber's prohibition on witness preparation in this case.

Within one month of the commencement of the familiarisation process, the calling party or participant is to limit itself to contacting its witnesses only when strictly necessary. The Chamber considers that meetings with witnesses solely to meet examining counsel and read back prior statements – both of which will happen again during the familiarisation process – are not strictly necessary. The Chamber will not otherwise consider at this time what constitutes strict necessity in the abstract, or set any additional limits on calling party/participant contacts prior to this one month period.

This direction shall apply for all witnesses presented by the Prosecution, LRV and Defence testifying from 10 June 2017 onwards.

Best,

Trial Chamber IX