

ANNEX 6

Public redacted

From: Trial Chamber X Communications
Sent: 10 September 2020 12:01
To: [REDACTED] Dutertre, Gilles; [REDACTED]
 [REDACTED] Taylor, Melinda; [REDACTED]
 [REDACTED] Doumbia,
 Seydou; Kassongo, Mayombo; [REDACTED]; Nsita Luvengika, Fidel [REDACTED]
Cc: [REDACTED]
Subject: Decision granting in court protective measures for P-0057
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Counsel,
 Dear Colleagues,

The Chamber recalls that the Prosecution requested protective measures for P-0057 and that this application was not opposed by the LRVs and the Defence (ICC-01/12-01/18-976; Email from the LRVs to TCX Communications, 17 August 2020 at 12:09; and Email from the Defence to TCX Communications, 17 August 2020 at 13:07.) Notwithstanding, and in light of the available information at that time, the Chamber decided that no objectively justifiable risk had been demonstrated. The Chamber therefore rejected the sought protective measures without prejudice (Decision ICC-01/12-01/18-1019-Conf-Red of 31 August 2020).

Having had regard to the VWU report dated 10 September 2020 recommending in-court protective measures for P-0057, the Chamber is satisfied that exposing the witness's identity to the public gives rise to an objectively justifiable risk. [REDACTED]

In view of the urgency of the matter, and noting the prior submissions of the parties in respect of the in court protective measures for P-0057, the Chamber considers it appropriate to exceptionally grant the sought protective measures via email, without receiving further observations from the parties.

For these reasons, the Chamber, pursuant to Rule 87 of the Rules of Procedure and Evidence, grants the in court protective measures recommended by VWU with respect to P-0057, that is: face distortion; use of the pseudonym; use of private/closed sessions; and redaction of any identifying information from any record that may be disseminated to the public.

Kind regards,

On behalf of Trial Chamber X

From: Oseredczuk, Isabelle
Sent: 10 September 2020 10:09
To: [REDACTED]; Dutertre, Gilles; [REDACTED]
 [REDACTED] Taylor, Melinda; [REDACTED]
 [REDACTED] Doumbia, Seydou; Kassongo, Mayombo;
 [REDACTED]; Nsita Luvengika, Fidel; [REDACTED]
 [REDACTED]

Subject: ICPM MLI-OTP-057

Dear Colleagues,
Dear Counsels,

Please find below the in-court protection measures report in relation to MLI-OTP-057.
Please be informed that you are provided with a different version than the one provided to the Chamber.

Witness's Background

[REDACTED]

[REDACTED]

Protection Analysis

[REDACTED]

Recommendation

The VWU takes note of the decision issued by Trial Chamber and notified on 31 August 2020 rejecting the Office of the Prosecutor's request for in-court protective measures for witness MLI-OTP-0057. However, in light of the additional information gleaned through its interview, the VWU considers that the application of in-court protection measures may prevent a future escalation in risk. Based on this, the VWU recommends the following in-court protection measures:

- image distortion
- use of pseudonym /allocation of a new pseudonym;
- use of closed and/or private session for identifying information, including portions of testimony which by nature could be identifying ;
- redaction of any identifying information from any record that may be disseminated to the public

Kind regards,

