

**From:** Trial Chamber V Communications  
**Sent:** 29 January 2021 14:00  
**To:** [REDACTED]; Trial Chamber V Communications  
**Cc:** Office of the Director DJSS; OTP CAR IIB Managers; OTP CAR IIB Case Management; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team  
**Subject:** RE: Exception to access the premises  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear colleagues from the Registry,

Noting the host state regulations regarding quarantine, and the fact that the CLRV's participation in the hearing can be facilitated by way of a video conference from the country office (see Registry's Observations on the Technical Feasibility of Using Video-Conferencing for Part of the Opening Statements of the Legal Representatives of Victims for Other Crimes, ICC-01/14-01/18-849-Conf), the Chamber will not grant an exception to access the building in these circumstances.

Kind regards, TC V

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**From:** [REDACTED]  
**Sent:** 28 January 2021 17:39  
**To:** Trial Chamber V Communications  
**Cc:** Office of the Director DJSS  
**Subject:** Exception to access the premises

Dear Trial Chamber V,

In light of the upcoming opening of the trial scheduled for 9 February 2021, the Registry would like to reassure the Chamber that all measures have been taken to ensure a smooth and efficient running of the proceedings. In this regard, the Registry remains committed and ready to provide all assistance and support to the Chamber for the proper conduct of its hearings. Within the context of this support function, it is the Registry's wish to maintain a constructive dialogue with the Chamber regarding hearing-related COVID-19 measures, and the additional mitigating measures that may be contemplated when necessary and as may be decided upon by the Chamber. To this effect, the Registry respectfully brings to the attention of the Chamber a few recommendations on additional COVID-19 related protective measures in the context of the access of one of the Legal Representatives of Victims to the courtroom, for the Chamber's consideration.

### **Current request**

The Registry has been informed that one of the Legal Representatives of Victims (LRV) who resides in Bangui could not travel to The Hague as envisaged on 27 January 2021 as she had not obtained her visa on time. This means that she will not be able to comply with the required quarantine period of 10 days prior to accessing the premises of the ICC and the courtroom for the purposes of her attendance of the opening of the trial on 9 February 2021.

However, Me Douzima has received her visa today and could therefore take the next flight from Bangui on 1 February 2021 arriving in The Hague on 2 February 2021. She would then be in quarantine until 8 February 2021 and would have completed 6-7 days of quarantine prior to entering the courtroom.

The LRV has requested an exception to access the premises in order to be present during the opening of the trial starting on 9 February 2021. In light of the elevated risk of infection that her presence poses for others in the courtroom and on the ICC premises without completing the 10 days of quarantine, the Registry respectfully brings this request to the Chamber's attention and kindly provides a few recommendations for additional COVID-19 related protective measures that the Chamber may wish to contemplate should the Chamber deem it appropriate to grant the exception.

### **Risk assessment and additional mitigating measures**

As already done over the past few months, if a person does not meet the requirements of the COVID-19 measures, the assessment of the risk takes into account, *inter alia* 1) the location where the person is coming from, including if a mutation of the virus is present; 2) the means of transport of the person, public or private; 3) a negative test (mandatory) received less than 48 hours if possible; 4) the number of days of quarantine already observed, if any; 5) the type of interaction the person requires for the fulfilment of his/her function; 6) the specific profile of individuals who could be affected by the exposure to persons not meeting the requirements of the COVID-19 measures, such as a detained person. Depending of the result of this assessment, the Registry can propose to the Chamber, and put in place, additional mitigating measures which could take the form of 1) additional protection around the persons when in the building and in the Courtroom, including the wearing of a mask which is normally not required when sitting; 2) use of electronic means for remote participation at the hearing; 3) reduction of the time slot for sessions, thereby reducing the time spent in the building.

For the above assessment, the Registry also takes into consideration the recommendations of the Host State, the Crisis Management Team (CMT), the Occupational Health Unit (OHU) and the Medical Officer of the Detention Centre. The above criteria and measures are subject to any changes of the recommendations and the spread of COVID-19 within the Netherlands and amongst ICC staff members and attendees of the hearings.

### **Registry recommendations**

The Registry recommends that Plexiglass be installed around the LRV's desk from all sides for additional protection. The LRV should further strictly maintain physical distance of at least 1.5 meters from others in the courtroom and within the ICC premises. The mask must be mandatory at least until the 10 days quarantine period has passed. The LRV should further refrain from any close contact with the other LRV or team members present during the hearing.

Should the Chamber instruct the Registry to implement any of the above or other additional measures, the Registry stands ready to inform the LRV about the respective measures and to request her to limit the time spent in the building and interactions with others to an absolute minimum until the 10 days quarantine period has passed.

The Registry remains entirely at the disposal of the Chamber for any further questions on the above.

Kind regards,



On behalf of the Office of the Director DJS