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From: Trial Chamber V Communications
Sent: 12 March 2021 16:12
To: OTP CAR IIB Case Management; OTP CAR IIB Managers; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team
Cc: Chamber Decisions Communication; Associate Legal Officer-Court Officer; Trial Chamber V Communications; [REDACTED] Legal
Subject: Publicity of hearings
Attachments: OTP list of materials and summary of expected testimony for Prosecution Witness CAR-OTP-P-2682

Follow Up Flag: Follow up
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Dear Counsel,

The Chamber observes that the Prosecution's summary of anticipated testimony for P-2682 contains numerous highlights, indicating which parts of the witness's testimony are expected to be elicited in private session. A number of these highlights do not appear necessary.

In this regard, the Chamber again stresses the importance of the publicity of the proceedings. As per the Presiding Judge's directions, '[i]nsofar as possible, witness testimony shall be given in public. To the extent possible, the participants are directed to group identifying questions together to avoid unnecessary recourse to private and/or closed session' (Initial Directions on the Conduct of the Proceedings, ICC-01/14-01/18-631, para. 45). The Chamber emphasises that closed sessions should be the exception, particularly where the Chamber already granted other in-court protective measures for a witness.

The Prosecution is thus instructed to carefully review the highlighted parts for all its forthcoming witnesses, including P-2682.

Lastly, the Chamber recalls that the participants' assessment is without prejudice to the Chamber's assessment as to whether a private or closed session is necessary.

Kind regards, TC V