

ANNEX 36

PUBLIC

From: Trial Chamber V Communications
Sent: 14 January 2022 12:47
To: [REDACTED]
Cc: D29 Yekatom Defence Team; D30 Ngaissona Defence Team; OTP CAR IIB Case Management; OTP CAR IIB Managers; V44 LRV Team; V45 LRV Team; V44 LRV Team OPCV; Trial Chamber V Communications; Chamber Decisions Communication; Associate Legal Officer-Court Officer
Subject: RE: Yekatom Request following the Prosecution's Request for Reconsideration regarding In-Court Protective Measures for Prosecution Witness P-0888

Dear Counsel,

The Single Judge takes note of the Yekatom Defence's request for the Chamber 'to assess whether or not the Defence could receive a confidential or a lesser redacted version' of the Prosecution's 'Request for Reconsideration regarding In-Court Protective Measures for Prosecution Witness P-0888' (confidential *ex parte* version, only available to the Prosecution and the Registry, notified on 11 January 2022, ICC-01/14-01/18-1241-Conf-Exp; confidential redacted version notified the next day, ICC-01/14-01/18-1241-Conf-Red).

After having assessed the redactions applied to the confidential redacted version of the Prosecution's request, the Single Judge finds that, pursuant to Articles 64(2), 6(e) and 68(1) of the Rome Statute, and Rule 81(3) of the Rules of Procedure and Evidence, the redactions are proportionate and therefore warranted in the circumstances.

The Prosecution is encouraged to keep the necessity of these redactions under review and issue a lesser redacted version of its request should circumstances change.

Kind regards, TC V

From: [REDACTED]
Sent: 11 January 2022 17:38
To: Trial Chamber V Communications [REDACTED] >
Cc: D29 Yekatom Defence Team [REDACTED]; D30 Ngaissona Defence Team [REDACTED]; OTP CAR IIB Case Management [REDACTED]; OTP CAR IIB Managers [REDACTED]; V44 LRV Team [REDACTED]; V45 LRV Team [REDACTED]; V44 LRV Team OPCV [REDACTED]
Subject: Yekatom Request following the Prosecution's Request for Reconsideration regarding In-Court Protective Measures for Prosecution Witness P-0888

Dear Trial Chamber V,

Following the Prosecution's communication of the curtesy copy of *Confidential redacted version of "Request for Reconsideration regarding In-Court Protective Measures for Prosecution Witness P-0888"*, ICC-01/14-01/18-1241-Conf-Exp, 11 January 2022 and due to the ensuing need for the Yekatom Defence ("Defence") to evaluate how to best respond to it, the Defence respectfully requests the Chamber to assess whether or not the Defence could receive a confidential or a lesser redacted version.

Indeed, on its face the request does not seem to advance any new arguments warranting protective measures for P-0888. However, heavy redactions are applied at paragraphs 10, 11, 12

and 13 of the filing where the Prosecution's arguments in relation to the risk of harm for the witness are put forward.

Thus, in order to fully assess our position and address those arguments in our response, we respectfully ask the Chamber to determine if the confidential version or a lesser redacted version could be made available to the Defence, especially in light of the fact that "P-0888's status in this case appears to have remained confidential as conceded by the Prosecution and that there have been no intervening security incidents." (para. 12)

Best regards,



Case Manager - Yekatom Defence

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