

ANNEX 3

PUBLIC

From: Trial Chamber V Communications
Sent: 22 March 2021 08:39
To: [REDACTED] Trial Chamber V Communications
Cc: [REDACTED] OTP CAR IIB Managers; OTP CAR IIB Case Management
Subject: RE: Delayed Disclosure of the Identity and Materials related to Witness [REDACTED]
Follow Up Flag: Follow up
Flag Status: Flagged

Dear colleagues from the VWU,

The Single Judge notes that the below email is only available to the Prosecution and the VWU. The VWU is therefore instructed to frame its email in a way that can be shared with all participants and send it in response to the email sent by the Chamber to the participants on 26 February 2021, at 16:40.

Kind regards, TC V

From: [REDACTED]
Sent: 19 March 2021 11:46
To: Trial Chamber V Communications
Cc: [REDACTED] OTP CAR IIB Managers ; OTP CAR IIB Case Management
Subject: RE: Delayed Disclosure of the Identity and Materials related to Witness [REDACTED]

Dear colleagues,

Following the below communication from the Chamber, the [REDACTED] has again contacted the focal point [REDACTED] in order to address further questions that were not answered in the previous communication received from the authorities in January 2021. The focal point has requested some additional time to provide the Court with supplementary information on a separate specific request that was addressed during a discussion on 16 March 2021.

If this is agreeable to the Chamber, the Registry would like to submit a comprehensive report with all the answers and information received as soon as this supplementary information is provided to the [REDACTED].

Kind regards,

[REDACTED]

From: Trial Chamber V Communications
Sent: 26 February 2021 15:12
To: [REDACTED] Trial Chamber V Communications
Cc: [REDACTED] OTP CAR IIB Managers; OTP CAR IIB Case Management
Subject: RE: Delayed Disclosure of the Identity and Materials related to Witness [REDACTED]

Dear colleagues from the VWU,

The Single Judge takes notes of the update provided in the email below, and appreciates the efforts made by the VWU to comply with the Chamber's instructions in the 'Decision on the Prosecution Request pursuant to Rule 81(4) for the

Delayed Disclosure of the Identity and Materials related to Witness [REDACTED] (see ICC-01/14-01/18-728-Conf-Exp, paras 23-25, p. 12) ('the Decision').

In this regard, the Single Judge notes the 'Victims and Witnesses Report pursuant to the "Decision on the Prosecution Request pursuant to Rule 81(4) for the Delayed Disclosure of the Identity and Materials related to Witness [REDACTED] (ICC-01/14-01/18-728-Conf-Exp)' (see ICC-01/14-01/18-773-Conf-Exp) (the 'Report') and the conclusion therein that [REDACTED] (see Report, ICC-01/14-01/18-773-Conf-Exp, para. 20). The Single Judge therefore finds [REDACTED] authorities' input regarding the available protective and security measures crucial to ensure the VWU's meaningful assessment. Accordingly, the Single Judge does not consider it prudent to receive only limited information at this point.

In light of the foregoing, the Single Judge instructs the VWU to (i) continue its efforts to liaise with [REDACTED] to seek detailed information on appropriate and available protective and security measures for the witness; and (ii) submit, as soon as practicable, a comprehensive report pursuant to the Chamber's directions in the Decision (see Decision, ICC-01/14-01/18-728-Conf-Exp, para. 24). Should the VWU not be able to submit its report by 19 March 2021, it is ordered to provide the Chamber with an update on the progress made by this date.

Kind regards, TC V

From: [REDACTED]

Sent: 24 February 2021 16:31

To: Trial Chamber V Communications [REDACTED]

Cc: [REDACTED]

Subject: Delayed Disclosure of the Identity and Materials related to Witness [REDACTED]

Dear colleagues,

Following the "Victims and Witnesses Report pursuant to the "Decision on the Prosecution Request pursuant to Rule 81(4) for the Delayed Disclosure of the Identity and Materials related to Witness [REDACTED]" (ICC-01/14-01/18-728-Conf-Exp) dated 15 December 2020, (ICC-01/14-01/18-773-Conf-Exp), the Registry has contacted the relevant authorities to get the requested information.

The authorities have answered to the request for cooperation but this answer does not provide the detailed information that could have been anticipated. Since the answer was received, the VWU has inquired whether additional information could be obtained and has contacted [REDACTED] in this respect. [REDACTED] has answered that according to his assessment, it is not likely to get any greater detail from [REDACTED] authorities at this stage. In any event any further follow-up would not be done before the 7 of March and more time is expected to get an additional answer.

Taking this into consideration, the VWU would be grateful to know if the Chamber would like to be provided now with the already available limited information by way of email for instance in order to assess whether more information would be needed taking into account the additional time that it would imply.

Kind regards,

[REDACTED]