

**ANNEX 22**  
**Public Redacted**  
**Version**

**From:** Trial Chamber V Communications  
**Sent:** 31 August 2022 18:51  
**To:** [REDACTED]; Trial Chamber V Communications  
**Cc:** OTP CAR IIB Case Management; OTP CAR IIB Managers; D30 Ngaïssona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; D29 Yekatom Defence Team; Chamber Decisions Communication; Associate Legal Officer-Court Officer  
**Subject:** Decision on the Yekatom Defence Request regarding VWU's Outcome Vulnerability Assessment of P-1339

Dear Counsel,

The Single Judge takes note of the Yekatom Defence's request that the Chamber 'reject the suggestion to "[p]lace a shield between the witness and the accused persons to prevent direct eye contact"', which is supported by the Ngaïssona Defence (see emails below).

The Single Judge notes that the VWU's recommendation is based on a psychosocial assessment conducted pursuant to Article 68 of the Statute and Rule 88 of the Rules, aimed at protecting the witness's integrity and well-being. Further, and contrary to the Defence's submissions, he does not consider this measure to be 'disproportionate', nor prejudicial to or inconsistent with the rights of the accused and a fair and impartial trial.

The request is therefore rejected.

Kind regards, TC V

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**From:** [REDACTED]  
**Sent:** 31 August 2022 17:04  
**To:** [REDACTED] Trial Chamber V Communications  
 <[REDACTED]>  
**Cc:** OTP CAR IIB Case Management [REDACTED]; OTP CAR IIB Managers [REDACTED]; D30 Ngaïssona Defence Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; V44 LRV Team [REDACTED] V45 LRV Team <[REDACTED]> D29 Yekatom Defence Team [REDACTED]  
**Subject:** Re: Yekatom Defence Request regarding VWU's Outcome Vulnerability Assessment of P-1339

Dear Trial Chamber V,

The Defence for Mr Ngaïssona fully joins and supports the below request by the Defence team of Mr Yekatom.

It entirely agrees that to implement the VWU recommendation to "place a shield between the witness and the accused persons to prevent direct eye contact" would be disproportionate and is unwarranted in the present circumstances.

Respectfully,

[REDACTED]  
 Legal Assistant, Defence of Mr Ngaïssona

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**From:** [REDACTED]  
**Sent:** 31 August 2022 16:53  
**To:** Trial Chamber V Communications [REDACTED]  
**Cc:** OTP CAR IIB Case Management [REDACTED] OTP CAR IIB Managers [REDACTED]; D30 Ngaïssona Defence Team [REDACTED] V44 LRV Team OPCV [REDACTED]; V44 LRV Team <[REDACTED]> V45 LRV Team [REDACTED]; D29 Yekatom Defence Team [REDACTED]  
**Subject:** Yekatom Defence Request regarding VWU's Outcome Vulnerability Assessment of P-1339

Dear Trial Chamber V,

Further to the "Outcome Vulnerability Assessment" of P-1339 transmitted by VWU on 31 August 2022 at 11:38, the Yekatom Defence respectfully requests the Chamber to reject the suggestion to "[p]lace a shield between the witness and the accused persons to prevent direct eye contact".

The Defence contends that this measure, in this specific instance, is disproportionate. Indeed, it is recalled that P-1339 is allegedly [REDACTED] at the time of the events and is currently [REDACTED]. P-1339 is described as an insider witness who was allegedly [REDACTED] (ICC-01/14-01/18- 724-Conf-AnxA, page 19) and, [REDACTED].

The Defence argues that the current circumstances do not justify the extreme measure of placing “a shield between the witness and the accused”. The Defence is cognizant that participating in a criminal trial of this magnitude can be an inherently stressful experience for a witness; however the suggested measure, to some extent, has the effect of excluding Mr Yekatom from his own trial and should be reserved for particularly vulnerable witnesses as it is a limitation of his right to fully follow the proceedings when there is live testimony.

In light of the above, and in the absence of any specific reasons which would explain why P-1339 would qualify as a sufficiently vulnerable witness, the Defence contends that the suggested measure of placing “a shield between the witness and the accused persons to prevent direct eye contact” should be rejected.

Kind regards,

[REDACTED]  
Legal Consultant  
Yekatom Defence

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