

**ANNEX 38**  
**Public Redacted**  
**Version**

**From:** Trial Chamber V Communications  
**Sent:** 16 October 2023 12:43  
**To:** VWS Legal; OTP CAR IIB; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team  
**Cc:** Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber V Communications  
**Subject:** Further Order concerning the testimony of witness P-0952  
**Attachments:** Record of materials provided to CAR-OTP-P-0952

Dear counsel,  
Dear colleagues from the Registry,

Further to the indication given on 22 September 2023 (T-246, p. 81, lines 6-23), the Single Judge hereby confirms that the testimony of witness P-0952 will take place between 24 and 31 October 2023. The Single Judge further confirms that the witness will testify via video-link.

In addition, the Single Judge notes the indication by the VWU that the witness asked her lawyer 'to represent and defend her during her appearance before the Court' (see email from the VWU, 14 September 2023, at 14:57).

Moreover, the Single Judge notes that the VWU had indicated being able to provide its security assessment by email on 27 October 2023 (see email from the VWU, 6 September 2023, at 16:02). In light of the change of testimony dates of the witness, the VWU is instructed to provide this assessment on the record by 19 October 2023.

Further, the Single Judge notes that for purposes of familiarisation of the witness before her testimony, the same material should be provided to her as was provided prior to her first appearance before the Chamber (see record of materials as notified in email of 2 June 2021, at 10:59) (the 'Material') (see email attached).

In this context, the Single Judge also notes that in accordance with the 'Unified Protocol on the practices used to prepare and familiarise witnesses for giving testimony at trial' (ICC-01/14-01/18-677-Anx1) (the 'Protocol'), '[t]he witness will read the statement on the premises of the VWU' and that '[t]he VWU will keep the statement on its premises until the witness has finished testimony' (Protocol, paras 86, 88).

The Protocol further provides that it is applied to all witnesses called to testify before the Court '[u]nless ordered otherwise', and that it 'could be adjusted according to the needs of witnesses who might not require such detailed attention and explanation' (Protocol, para. 3).

Considering the profile of the witness, as well as the fact that the witness has already read the Material in anticipation of her initially planned testimony, and further bearing in mind the timing considerations involved, the Single Judge is of the view that the VWU should exceptionally be authorised to deviate from the Protocol in relation to the witness reading the Material before her testimony. The VWU may therefore provide the Material to the witness for her reading without supervision by the VWU. The Single Judge is of the view that this is in the interests of efficiency and expeditiousness, and recalls that the witness will, in any event, be required to answer freely in court.

Kind regards,  
TC V

**From:** [REDACTED]  
**Sent:** 02 June 2021 10:59  
**To:** OTP CAR IIB Managers; OTP CAR IIB Case Management; Trial Chamber V  
Communications; D29YekatomDefence [REDACTED]  
D29YekatomDefence [REDACTED]; D30NgaissonaDefence [REDACTED]  
D30NgaissonaDefence [REDACTED]; V44 LRV Team OPCV; V44 LRV Team  
OPCV; V45 LRV Team; [REDACTED]  
**Subject:** Record of materials provided to CAR-OTP-P-0952  
**Attachments:** Familiarisation package for P-0952.docx

Dear Counsels,

In accordance with the Unified protocol on the practices used to prepare and familiarise witnesses for giving testimony at trial article 2.6.1. "Provision of the statement" and paragraph 81 that states, inter alia "Prior to handing over witness statements to the VWU, the party calling informs the other party and legal representatives of witnesses with dual status, where applicable, of the documentation to be handed over in order to resolve any potential disputes. This information must be provided no later than three days before this documentation is to be handed over to the witness."

In addition, the VWU will keep a proper record of all material provided to a witness prior to his/her testimony; such a record will be sent to the parties and participants by email, in advance of the hearing in which the witness will testify.

Best regards,

[REDACTED]