

ANNEX 5
PUBLIC

From: Trial Chamber V Communications
Sent: 23 March 2021 12:15
To: [REDACTED] Trial Chamber V Communications
Cc: [REDACTED]
Subject: RE: Delayed Disclosure of the Identity and Materials related to Witness P-0306
Attachments: Update on VWU's progress in relation to report on P-0306's security situation

Follow Up Flag: Follow up
Flag Status: Flagged

Dear colleagues from the VWU,

The Single Judge notes the VWU's request for clarification regarding the Chamber's email of 22 March 2021, at 08:39, where the VWU was 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'. The Single Judge attaches the relevant email, on which the VWU was unfortunately not copied at the time. With this information now available to it, the Single Judge directs the VWU to proceed as previously instructed, copying all participants.

In doing so, the Single Judge reminds the VWU that the following information is currently already available to all participants: (i) the Chamber's instruction to the VWU to submit 'a report on P-0306's security situation' by 15 December 2020 (*see* Decision on the Prosecution Request pursuant to Rule 81(4) for the Delayed Disclosure of the Identity and Materials related to Witness P-0306, 13 December 2020, ICC-01/14-01/18-728-Conf-Red, paras 23-25, p. 11); (ii) the fact that, on 24 February 2021, the VWU provided an update to the Chamber on the progress made in relation to the comprehensive report on P-0306's security situation; and (iii) the fact that, on 26 February 2021, the Chamber instructed the VWU to (a) continue its efforts to seek detailed information on appropriate and available protective and security measures for the witness, (b) submit, as soon as practicable, a comprehensive report, and (c) provide the Chamber with an update on the progress made should the VWU not be able to submit its report by 19 March 2021 (*see* email from the Chamber to the participants, 26 February 2021, at 16:40, attached to the present email).

Further, going forward, the VWU is instructed to frame its emails on this matter in a way that can be shared with all participants, or, in the alternative, to submit in parallel redacted versions of its *ex parte* emails.

Kind regards, TC V

From: [REDACTED]
Sent: 22 March 2021 10:54
To: Trial Chamber V Communications [REDACTED]
Cc: [REDACTED]
Subject: RE: Delayed Disclosure of the Identity and Materials related to Witness P-0306

Dear colleagues,

The VWU would be grateful to have a confirmation that the participants and the Defence should be copied to the below emails. The main reason is that they were not copied of all the related emails and did not get a redacted version of the report filed by the VWU. The VWU wants to be sure that the Chamber wishes this process to be followed as of now.

Kind regards,

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From: Trial Chamber V Communications [REDACTED]
Sent: 22 March 2021 08:39
To: [REDACTED] Trial Chamber V Communications
 [REDACTED]
Cc: [REDACTED]
 [REDACTED]; OTP CAR IIB Managers <[REDACTED]>; OTP CAR IIB Case Management
 [REDACTED]
Subject: RE: Delayed Disclosure of the Identity and Materials related to Witness P-0306

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 [REDACTED]
Cc: [REDACTED]
 [REDACTED] OTP CAR IIB Managers [REDACTED]; OTP CAR IIB Case Management
 [REDACTED]
Subject: RE: Delayed Disclosure of the Identity and Materials related to Witness P-0306

Dear colleagues,

Following the below communication from the Chamber, the Field Office in Bangui has again contacted the focal point [REDACTED] in order to address further questions that were not answered in the previous communication received from [REDACTED] 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 Field Office.

Kind regards,

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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 P-0306

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 P-0306' (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 P-0306" (ICC-01/14-01/18-728-Conf-Exp)' (see ICC-01/14-01/18-773-Conf-Exp) (the 'Report') and the conclusion therein that '[t]he implementation of any protection measures for the witness [REDACTED] [...] falls totally within th[e] responsibility [REDACTED] (see Report, ICC-01/14-01/18-773-Conf-Exp, para. 20). The Single Judge therefore finds the [REDACTED] 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 both the CAR [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 P-0306

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 P-0306" (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 [REDACTED] to get the requested information.

The [REDACTED] 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] 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,

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