

ANNEX 36
PUBLIC

From: Trial Chamber V Communications
Sent: 04 June 2021 16:29
To: [REDACTED] OTP CAR IIB Case Management; OTP CAR IIB Managers;
 [REDACTED]
Cc: Trial Chamber V Communications
Subject: RE: TC V Decision on VWU's requests regarding implementation of Decision ICC-01/14-01/18-981-Conf-Red
Attachments: TC V Decision on VWU's requests regarding implementation of Decision ICC-01/14-01/18-981-Conf-Red
Follow Up Flag: Follow up
Flag Status: Flagged

Dear colleagues from the VWU,

The Chamber takes note of the information provided in the VWU's email to the Chamber and the Prosecution on 27 May 2021, at 17:44, in relation to the 'TC V Decision on VWU's request regarding implementation of Decision ICC-01/14-01/18-981-Conf-Red' (see attached email from the Chamber, 24 May 2021, at 08:22).

In its email, the VWU informs the Chamber that it has shared [REDACTED] with the Prosecution, as authorised by the Chamber. It also informs the Chamber about 'some enquiries [made] to relevant partners' [REDACTED]

Further, the VWU requests the Chamber's leave to (i) [REDACTED] in order to seek their advice on the way [REDACTED] could be supported and/or alternatively on the ability of [REDACTED] (the 'First Request'); (ii) specify in [REDACTED] (the 'Second Request'); and (iii) have [REDACTED] (the 'Third Request').

In addition, the VWU indicates that while it 'will make all possible efforts to comply with the [...] deadline' set by the Chamber on 8 June 2021 for the VWU to report on the implementation of Decision ICC-01/14-01/18-981-Conf-Red (the 'Deadline'), it 'wish[es] already to inform the Chamber that the extremely challenging working conditions [REDACTED] might have an impact on [its] ability to perform the above tasks and gather relevant information in due time'.

With regard to the First Request, the Chamber notes the VWU's observations that [REDACTED] Accordingly, and mindful of its obligation under Article 68(1) of the Statute, the Chamber grants the First Request.

With regard to the Second Request, and in line with the instructions provided to the VWU in Decision ICC-01/14-01/18-981-Conf-Red (see para. 10, p. 6), the Chamber considers it appropriate [REDACTED] Accordingly, it grants the Second Request.

With regard to the Third Request, the Chamber recalls that it instructed the VWU, 'as the *neutral entity*, [REDACTED] (see Decision, ICC-01/14-01/18-981-Conf-Red, para. 10, emphasis added). In view of P-0306's present circumstances, the Chamber is of the view that the VWU is the most suitable entity to meet with the witness. In addition, and noting that the VWU is [REDACTED] [REDACTED] Consequently, the Chamber rejects the Third Request.

As regards the [REDACTED] the Chamber considers that it does not need to be involved and trusts that the VWU will determine [REDACTED]

In relation to the Deadline, the Chamber notes that it has set previous deadlines concerning this witness based on the information provided by the Prosecution that this witness would be called as the 17th witness (*see* ICC-01/14-01/18-724-Conf-AnxB, p. 2). In light of the numerous changes to the schedule so far and in order to assess the appropriate timeline for [REDACTED] the Chamber considers that it would be assisted by an update from the Prosecution on the order of the witness's prospective appearance. The Chamber therefore instructs the Prosecution to provide an update in this regard.

Finally, the Chamber notes with dismay that the VWU has, once again, failed to follow the Chamber's repeated and clear instructions to make as much information as possible about this witness available to all participants for the sake of transparency of the proceedings. Going forward, the Chamber expects the VWU to share its submissions concerning P-0306 with all participants, which may be done either by (i) phrasing its emails in a way that can be shared with the [all] participants, or (ii) sending an *ex parte* email to the Chamber and the Prosecution, and a redacted version thereof to all participants.

Kind regards, TC V

From: [REDACTED]
Sent: 27 May 2021 17:44
To: OTP CAR IIB Case Management [REDACTED]; OTP CAR IIB Managers [REDACTED]; Trial Chamber V Communications [REDACTED]
Cc: [REDACTED]
Subject: TC V Decision on VWU's requests regarding implementation of Decision ICC-01/14-01/18-981-Conf-Red

Dear colleagues,

The VWU has taken note of the below instructions and shared [REDACTED] with the OTP, redacted versions of Registry submissions quoted below will also be filed in the record of the case within one week. During a follow-up meeting that took place on 25 May the OTP raised concerns [REDACTED]
[REDACTED]
[REDACTED] It was highlighted that the measures proposed by [REDACTED]
[REDACTED]

The suggestion was also made during the meeting to engage [REDACTED] in order to seek their advice on the way the [REDACTED] could be supported and/or alternatively on the ability of [REDACTED] to implement [REDACTED]. The VWU has agreed to approach [REDACTED] to seek if further assistance could be provided [REDACTED]. After informing the Chamber, the said measures (if relevant) could also be included in [REDACTED] with the Chamber's approval.

The idea of [REDACTED] [REDACTED] was also discussed and the need to get the Chamber's approval to that course of action was acknowledged.

Finally [REDACTED] was discussed and agreed upon and the VWU already sent out some enquiries to relevant partners hopefully able to provide [REDACTED].

The VWU would be grateful if the Chamber could confirm its agreement to the above mentioned course of action. The VWU will make all possible efforts to comply with the below deadline but wish already to inform the Chamber that the extremely challenging working conditions [REDACTED] might have an impact on our ability to perform the above tasks and gather relevant information in due time.

Kind regards,

