

ANNEX 11
Public Redacted
Version

From: Trial Chamber V Communications
Sent: 19 February 2024 13:40
To: VWS Legal; VWS Psychosocial Support Unit; VWS OPS Room
Cc: VWS Case Development Team; OTP CAR IIB; 'D29YekatomDefence'; 'D30NgaissonaDefence'; V44 LRV Team OPCV; V45 LRV Team; V44 LRV Team; Trial Chamber V Communications; Associate Legal Officer-Court Officer; Chamber Decisions Communication
Subject: Decision on in-court protective measures for D30-4756

[ICC] RESTRICTED

Dear Counsel,

The Single Judge takes note of the email below and the recommendations by the Victims and Witnesses Unit (the 'VWU') contained therein.

The Single Judge notes that the VWU's recommendation for in-court protective measures 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.

Considering the above and noting the lack of objections from the other participants, the Single Judge considers it appropriate to grant the recommended protective measures.

Lastly, the Single Judge reminds the participants to organise their questioning in such a manner that the use of private sessions be as limited as possible.

Kind regards, TC V

From: [REDACTED]
Sent: Thursday, February 15, 2024 2:05 PM
To: Trial Chamber V Communications [REDACTED]
Cc: J [REDACTED]; VWS OPS Room [REDACTED] VWS Psychosocial Support Unit [REDACTED]; VWS Case Development Team [REDACTED] Associate Legal Officer-Court Officer [REDACTED]; OTP CAR IIB [REDACTED]; 'D29YekatomDefence' [REDACTED]; 'D30NgaissonaDefence' [REDACTED]; V44 LRV Team OPCV [REDACTED]; V44 LRV Team OPCV [REDACTED] V45 LRV Team [REDACTED]
Subject: In-court protective measures and special measures for CAR-D30-P-4756

[ICC] RESTRICTED

Dear colleagues,

Dear counsels,

Please find below the in-court protection measures report and recommendations for special measures in relation to CAR-D30-P-4756:

Witness Background

The witness is [REDACTED]

Witness concerns

On 13 February 2024, the VWU interviewed the witness to assess the need for in-court protection measures (ICPMs). The process was explained, and the witness declared to have understood the protective measures and stated that she needed protective measures during her testimony.

The witness stated that she was willing and ready to testify, but would feel more comfortable and without fear if she had ICPMs. [REDACTED]

Protection Analysis

[REDACTED]

The VWU notes that the Defence did not request for any ICPMs and that the witness did not report any security related threat other than the general insecurity in CAR.

Consequently, the VWU failed to find any objectively justifiable reasons to warrant the granting of ICPMs in term of the risk of physical reprisal. However, the VWU considers the adoption of ICPMs as a justifiable mitigation measure in light of the possible [REDACTED] as assessed by the VWU psychologist in the vulnerability assessment.

Notwithstanding, the witness is fully aware that her identity and appearance during testimony will be within the public domain and although extremely apprehensive, she is willing to testify if the ICPMs are not granted by the Chamber.

Recommendation

In conclusion and based on the recommendation of the psychologist, VWU recommends the following measures: pseudonym, face distortion and closed sessions when necessary.

Recommendations – Special measures

1. Measures to adapt the courtroom to the needs of the witness

1.1. *Put in place procedural protective measures in order to protect the dignity and the privacy of the witness*

2. Measures to adapt the questioning to the needs and capacities of the witness

2.1. *Observe the witness closely; in case of signs of nervousness, distraction, withdrawal or too emotional reactions a break is allowed or witness is asked if she needs a break*

Kind regards,

