

Annex 1

Confidential

Protocol on investigations in relation to witnesses benefiting from protective measures

This protocol concerns the use of the names of protected witnesses in the course of investigations or inquiries. It is intended as a set of general guidelines and should be applied appropriately to individual situations.

The Victims and Witnesses Unit ("VWU") emphasizes the importance of maintaining confidentiality at all times and the responsibility of any party or participant to apply good practices throughout their investigations. It is crucial that any investigating party or participant strictly avoids the risk of exposing the identity of protected witnesses to a third party to the extent possible. In cases where this may become necessary and no alternatives are available, the following protocol will apply.

- a) The investigating party should use the names of protected witnesses in a careful and focused manner and only when necessary for the purposes of the investigation or inquiry. This is even more important when witnesses are participants in the Court's protection programme (ICCPP).
- b) Should it become necessary to refer to the name of a protected witness to a third party, the investigating party should take strict care not to disclose that the person is a witness or involved with the Court.
- c) In any event, the investigating party shall not disclose to third person the fact that a protected witness is involved with the Court.
- d) In the event the investigating party knows that a third party became aware that a protected witness is involved with the court, the investigating party shall explicitly inform the third party about the confidential nature of such information and instruct not to disclose this information any further. In these instances, the investigating party shall inform the VWU Head of Protection as soon as possible.
- e) In cases where there is a specific need established to carry out inquiries as to the current location of protected witnesses, who are not participants in the ICCPP, the investigating party must inform the VWU Head of Protection before such an inquiry is to take place. Such needs may include investigations into the credibility of a

witness where there is a reasonable basis for suspecting that the witness's location establishes a relevant association with another person.

The investigating party shall not make inquiries relating to the current location of protected witnesses who are participants in the ICCPP or those whose location has been protected by the Chamber.

The investigating party will inform the VWU Head of Protection as soon as possible, should the location of such protected witnesses become apparent to the investigating party.

f) All investigating parties must be alert to the possible danger that their inquiries may have for witnesses. The investigating party should bring to the attention of the VWU Head of Protection any reasonable suspicion that a witness may have been placed at risk for any reason (for example that his/her protected location has become known or his/her participation as a witness is known) as soon as possible.

g) The VWU remains available to provide advice and guidance in relation to any questions or concerns the parties or participants may have in respect of any specific matter or a particular witness.

h) Any deviation from the protocol will require prior authorisation from the Chamber.