

Annex 30

From: Trial Chamber V Communications
Sent: 31 August 2020 14:58
To: OTP CAR IIB Managers; OTP CAR IIB Case Management; D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44LRVTeam-OPCV; V44 LRV Team; V45 LRV Team; Trial Chamber V Communications
Subject: Decision on Prosecution Request ICC-01/14-01/18-628-Conf-Exp/Conf-Red
Importance: High
Follow Up Flag: Follow up
Flag Status: Flagged

Dear all,

The Chamber takes note of the ‘Prosecution’s Request pursuant to Regulation 35 to vary the Time Limit for Disclosure of evidence related to trial witnesses listed on the Preliminary Witness’ (ICC-01/14-01/18-628-Conf-Exp and Conf-Red) (the ‘Request’); the responses filed by the Defence (Yekatom Defence Response, ICC-01/14-01/18-629-Conf; Ngaissona Defence Response, ICC-01/14-01/18-638-Conf); and the observations submitted by the VWU (ICC-01/14-01/18-635-Conf-Exp).

After considering the submissions therein, the Chamber hereby partially decides on the Request, with full reasons to follow.

A. First Sub-request

a. P-2582, P-2620 and P-2671

The Chamber grants the Prosecution’s First Sub-request in relation to P-2582, P-2620 and P-2671, authorising it to disclose the identities and unredacted statements of these witnesses once the protection measures for P-2582 and P-2620 are in place, and latest by **9 November 2020**.

However, the Chamber instructs the Prosecution to disclose redacted versions of P-2582, P-2620 and P-2671’s statements, in consultation with the VWU, by **7 September 2020**.

The Chamber instructs the VWU to submit reports to the Chamber on 21 September and 21 October 2020 on the progress made with regard to the implementation of protective measures for P-2582 and P-2620.

b. P-0306

The Chamber *provisionally* grants the Prosecution’s First Sub-request in relation to P-0306.

The Chamber however considers that the requested relief is an exceptional measure and must therefore be justified by way of a detailed and thorough request under Rule 81(4) of the Rules of Procedure. The Chamber instructs the Prosecution to file such request by **29 September 2020**, including specific information about the current circumstances of P-0306 and any other details which may justify its Rule 81(4) request.

The Chamber further instructs the Prosecution to file a redacted version of P-0306’s statement by **7 September 2020**.

B. Second Sub-request

a. P-1839

The Chamber takes note of the Prosecution's email notifying that it has already disclosed P-1839's transcripts (email from the Prosecution to the Chamber, 31 August 2020, at 11:34). The Chamber grants the Prosecution's request in the email to withdraw the Second Sub-request in relation to P-1839 and considers all submissions in relation to this sub-request to be moot.

b. P-0889

The Chamber rejects the Prosecution's Second Sub-request in relation to P-0889, and instructs it to disclose the transcripts relating to this witness by **14 September 2020**.

The Chamber further instructs the Prosecution to disclose the audio-recorded interview of P-0889 by **31 August 2020**, unless it is necessary to implement redactions, in which case the Prosecution is instructed to effect disclosure by **7 September 2020**.

c. P-0992

As regards P-0992's first interview, the Chamber refers to its order below (see C. Third Sub-Request).

As regards P-0992's second interview, the Chamber grants the Prosecution's Second Sub-request, authorising it to disclose the transcript of the witness's second interview as soon as feasible and, at the latest, by **9 November 2020**.

d. P-0965, P-0458, P-2233 and P-2602

The Chamber grants the Second Sub-request in relation to the Sango transcripts of P-0965, P-0458, P-2233 and P-2602, authorising the Prosecution to disclose the transcripts and/or audios of these witnesses by **9 November 2020**. The Prosecution is instructed to effect disclosure **on a rolling basis**.

C. Third Sub-request

The Chamber grants the Third Sub-request, and authorises the Prosecution to disclose the statements of P-1143, P-1172, P-2377, P-0992, P-1558 and P-2587, which are the subject of the Prosecution's pending request ICC-01/14-01/18-609-Conf-Ex, within **one week** of issuing the Chamber's decision on this request.

The Chamber will issue its fully reasoned decision on the Request in due course.

Kind regards, TC V