

Mechanism Witness Safety Protocol

1. The present protocol governs physical interactions between Mechanism staff* and witnesses† during official Mechanism activities outside Mechanism premises.
2. Mechanism policies and guidelines adopted in response to the COVID-19 pandemic are applicable to witnesses' access to and interactions with staff within Mechanism premises.
3. Witnesses are essential participants in many core Mechanism activities, and the Mechanism is mandated to ensure their protection. This protocol aims to safeguard the safety and security of staff and witnesses alike during the COVID-19 pandemic.
4. Mechanism staff who have symptoms of or have been diagnosed with COVID-19‡ are not allowed to have physical interaction with witnesses until such time as the staff member has recovered, tested negative or the symptom has been reasonably associated with another cause.
5. Physical interaction with witnesses outside Mechanism premises during the COVID-19 pandemic should be as limited as possible to only:
 - a. Situations required for either Mechanism operational requirements or the security of witnesses;
 - b. The time necessary; and
 - c. Involving the fewest number of Mechanism staff feasible.
6. Mechanism staff are required to adhere to applicable national laws when physically interacting with witnesses outside Mechanism premises.
7. In addition, during any physical interactions outside Mechanism premises, staff must as detailed below: a) monitor and mitigate risks that staff or witnesses may be infected with and transmit COVID-19; b) provide a safe environment; and c) promote appropriate practices, including the use of personal protective equipment and hygiene.

Risk Monitoring and Mitigation

8. Mechanism staff shall monitor risks and consider mitigation measures in advance of physically interacting with witnesses outside Mechanism premises.
9. When planning physical interactions with witnesses outside Mechanism premises, Mechanism staff shall consider the following information:
 - a. Whether the witness has symptoms of or has been diagnosed with COVID-19;
 - b. Whether the witness has underlying medical conditions or other factors that make them at high risk of severe COVID-19 infection;§ and

* The present policy applies to Mechanism staff and non-staff personnel, namely contractors, consultants and interns, but does not apply to defence counsel practicing before the Mechanism and their associates.

† Including support persons and other persons who may be present with witnesses during their physical interactions with Mechanism staff.

‡ <http://tribunet2/coronavirus/index.php?page=unwell>; <https://www.rivm.nl/en/novel-coronavirus-covid-19>;
<https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>.

§ <https://www.rivm.nl/en/novel-coronavirus-covid-19/risk-groups>; <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html>.

- c. Any other relevant information that would indicate the witness is a meaningful risk of transmitting COVID-19.
10. Where the witness has symptoms of or has been diagnosed with COVID-19, physical interaction with the witness is prohibited until such time as the witness has recovered, has tested negative or the symptom has been reasonably associated with another cause.
11. Where the witness is at high risk of severe COVID-19 infection, the Prosecutor or Registrar, or their designees, respectively, must decide that physical interaction with the witness by their respective staff is required. In such circumstances, reasonable measures to protect the witness, as determined by WISP, shall be taken.
12. Where any other relevant information would indicate the witness is a meaningful risk of transmitting COVID-19, Mechanism staff should consider additional risk mitigation measures such as testing of witness prior to interaction, mandatory use of face masks or greater physical distancing.

Safe Environment

13. Mechanism staff physically interacting with witnesses outside Mechanism premises shall identify suitable spaces for staff-witness interactions that meet the following requirements:
 - a. Allow physical distancing of at least 1.5 meters between all persons present, or those present who cannot maintain physical distancing wear personal protective equipment; and
 - b. Provide good ventilation.
14. Mechanism vehicles shall be made suitable for the transportation of witnesses, including enabling physical distance, being equipped with personal protective equipment for both staff and witnesses, and being cleaned prior to and following each such use.

Safety and Hygiene Practices

15. Mechanism staff physically interacting with witnesses outside Mechanism premises shall adhere to physical distancing and hygiene requirements as applicable within Mechanism premises.
16. Mechanism staff physically interacting with witnesses outside Mechanism premises but within spaces arranged by the Mechanism are required to ensure that surfaces are disinfected and cleaned prior to use. Cleaning should be repeated between meetings with different witnesses. In other spaces, Mechanism staff are strongly encouraged to practice best personal hygiene standards.
17. In addition, in all physical interactions with witnesses outside Mechanism premises, Mechanism staff are encouraged to use face masks or face visors as well as have available and use hand-sanitisers, and strongly encourage witnesses to do the same. In the alternative, plexiglass barriers between staff and witnesses may be used where available and operationally preferred.
18. Where feasible, witnesses shall be transported by Mechanism vehicle to and from their physical interactions with Mechanism staff outside Mechanism premises. Where this is not feasible, witnesses shall be strongly encouraged to utilize private transportation or personal

taxi, and associated costs properly documented shall be borne by the organization. The Mechanism face mask policy applies where witnesses utilize public transportation.

Implementation

19. The Registry is responsible for promptly providing, at organization expense, Mechanism staff with personal protective equipment, cleaning equipment and other items used in the implementation of this protocol. The Registry is further responsible for ensuring that Mechanism vehicles are equipped to safely transport witnesses and appropriately cleaned following each use. The costs for testing witnesses at the Mechanism's direction shall be borne by the Mechanism.
20. All Mechanism witnesses who staff meet outside Mechanism premises shall be provided with a written summary in a language that they understand of this protocol and the procedures that will be applied to ensure safety and minimize the risk of COVID-19 spread.
21. Notwithstanding the above, the Prosecutor or the Registrar, respectively, may determine, following consultation with the individuals concerned, and where necessary with the Medical Units, that operational requirements necessitate physical interactions by their respective staff with witnesses outside Mechanism premises, and exceptionally stay the application of this protocol in specific cases.
22. A decision under the provisions of paragraph 21, including information on any mitigation measures taken, shall be maintained by the respective organ and the Medical Unit shall be informed.
23. In such cases where physical interactions with witnesses outside Mechanism premises require the participation of both OTP and Registry staff, and a decision under the provisions of paragraphs 11 or 21 would be required for such physical interactions, the Prosecutor and Registrar shall consult with a view to reaching a joint decision.