

ANNEX 1
PUBLIC
REDACTED

From: Trial Chamber V Communications
Sent: 06 May 2022 17:41
To: [REDACTED]
Cc: OTP CAR IIB Prosecution Team; Trial Chamber V Communications; Associate Legal Officer-Court Officer; Chamber Decisions Communication
Subject: RE: Yekatom & Ngaissona Case - OTP requests the appointment of a Rule 74 counsel - P-2475 and P-2582

Dear Counsel,

Noting the substantive nature of the below submissions, the Single Judge instructs the Prosecution to formally file its request on the record by Monday, 9 May 2022.

Kind regards, TC V

From: [REDACTED]
Sent: 06 May 2022 15:10
To: Trial Chamber V Communications [REDACTED]
Cc: OTP CAR IIB Prosecution Team [REDACTED]
Subject: Yekatom & Ngaissona Case - OTP requests the appointment of a Rule 74 counsel - P-2475 and P-2582

Dear Trial Chamber V,

Pursuant to Rule 74(8) of the Rules of Procedure and Evidence ("Rules"), the Prosecution informs the Chamber that the testimonies of P-2475 and P-2582 may raise issues with respect to self-incrimination and requests the appointment of a Rule 74 counsel to assist the witnesses. Given the text of Rule 74(8) concerning the 'request [of] an in camera hearing', this communication is provided on an ex parte basis.

P-2475's and P-2582's prior statements explain, inter alia, that the witnesses took part in the killing of Muslim civilians and in the commission torture (for P-2475 see notably CAR-OTP-2110-0556, at 0565-0566, para. 67, at 0572, paras. 106-107, at 0575, paras. 128-129, at 0575-0576, para. 132, at 0587, para. 216; for P-2582 see notably CAR-OTP-2117-0605, at 0610-0611, paras. 34-39, at 0613-0616, paras. 52-54, 57-58, 61 and 65). Although [REDACTED]

To this extent, the Chamber should authorise the Registry to assign Duty Counsel, and provide Rule 74(3)(c) assurances to P-2475 and P-2582 as necessary, in particular, that their testimonies will be kept confidential and not disclosed to the public or any State.

The Prosecution is mindful of the applicable time limit for Rule 74 applications set by the Chamber, and apologises for the oversight. Should the Chamber require a formal application, the Prosecution is, of course, disposed to provide it.

Kind regards,

On behalf of OTP Trial Team