

ANNEX 55

Public Redacted

Version

From: Trial Chamber V Communications
Sent: 28 October 2022 12:16
To: [REDACTED] Trial Chamber V Communications; D30 Ngaissona Defence Team; OTP CAR IIB; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; Associate Legal Officer-Court Officer
Cc: D29 Yekatom Defence Team; Chamber Decisions Communication
Subject: Decision on the Yekatom Defence's request to add items to its list of material for the examination of P-1839

Dear Counsel,

The Single Judge takes note of the Yekatom Defence's request for leave to add the below items to its list of materials for P-1839's examination (see email below).

Noting the explanations provided by the Yekatom Defence and the lack of objections by the other participants, the Single Judge grants the request.

Kind regards, TC V

From: [REDACTED]
Sent: 28 October 2022 09:06
To: Trial Chamber V Communications [REDACTED] D30 Ngaissona Defence Team
 [REDACTED]; OTP CAR IIB [REDACTED] V44 LRV Team
 [REDACTED]; V44 LRV Team OPCV [REDACTED] V45 LRV Team
 [REDACTED] Associate Legal Officer-Court Officer
 [REDACTED]

Cc: D29 Yekatom Defence Team [REDACTED]
Subject: Erratum: Yekatom Defence Updated List of Material for P-1839

Dear Trial Chamber V,

Dear Parties and Participants,

The initial email contained a typo in the first ERN. Please find below the corrected email.

The attached amended list of material remains unchanged.

My apologies for any inconvenience.

Kind regards,

[REDACTED]
 Case Manager, Yekatom Defence

From: [REDACTED]
Sent: 27 October 2022 20:19
To: Trial Chamber V Communications [REDACTED] D30 Ngaissona Defence Team
 [REDACTED]; OTP CAR IIB [REDACTED] V44 LRV Team
 [REDACTED] V44 LRV Team OPCV [REDACTED] V45 LRV Team
 [REDACTED] Associate Legal Officer-Court Officer
 [REDACTED]

Cc: D29 Yekatom Defence Team [REDACTED]
Subject: Yekatom Defence Updated List of Material for P-1839

Dear Trial Chamber V,

Dear Parties and Participants,

The Yekatom Defence respectfully requests leave to add four items to its list of material.

The items consist of:

- A picture disclosed by the Defence of [REDACTED] (CAR-D29-0010-0047);
- A photo montage notably this picture and with pictures of an individual that P-1839 identified as "[REDACTED]" in her statement (CAR-D29-0010-0049) (see for reference CAR-OTP-2122-7107 at 7109-7110, lines 64-75);

- A copy of the identity card of [REDACTED] which indicates his date of birth (CAR-D29-0015-0029);
- A *procès verbal de constat de huissier* whereby the individual identified as "[REDACTED]" by P-1839 is recognized as being [REDACTED] and the *Transcription de jugement de reconstitution* of [REDACTED] birth certificate (CAR-D29-0001-0426).

The Defence submits that there is good cause for the late addition of those items as they relate to the age of an individual identified as "[REDACTED]".

Indeed, during her examination on 27 October 2022, P-1839 indicated multiple times that she did not know the age of "[REDACTED]" (*see T-170-CONF-FRA at 13:23:16, 13:27:00, 13:27:30*), before estimating his age as 11 or 12 after being prompted to make such an estimation (*see T-170-CONF-FRA at 13:27:58*).

The Defence contends that in light of the way that this information was elicited, the Defence should be granted an opportunity of putting to P-1839 concrete information regarding the age of "[REDACTED]", especially in light of her prior recorded testimony where she gave a wide range spanning from 12 to 17 years old (*see CAR-OTP-2072-1167 at 1188 line 718-720*).

The Defence further contends that this late addition would cause no prejudice to the Prosecution as (i) the examination in chief of P-1839 is ongoing, and (ii) all of the items are already disclosed and well known to the Prosecution as they were used during the testimony of P-2475.

If leave is granted, please find attached the amended list of documents.

Kind regards,

[REDACTED]
Case Manager, Yekatom Defence

This message contains information that may be privileged or confidential and is the property of the International Criminal Court. It is intended only for the person to whom it is addressed. If you are not the intended recipient, you are not authorized by the owner of the information to read, print, retain copy, disseminate, distribute, or use this message or any part hereof. If you receive this message in error, please notify the sender immediately and delete this message and all copies hereof.

Les informations contenues dans ce message peuvent être confidentielles ou soumises au secret professionnel et elles sont la propriété de la Cour pénale internationale. Ce message n'est destiné qu'à la personne à laquelle il est adressé. Si vous n'êtes pas le destinataire voulu, le propriétaire des informations ne vous autorise pas à lire, imprimer, copier, diffuser, distribuer ou utiliser ce message, pas même en partie. Si vous avez reçu ce message par erreur, veuillez prévenir l'expéditeur immédiatement et effacer ce message et toutes les copies qui en auraient été faites.