

ANNEX 18

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Version

From: Trial Chamber V Communications
Sent: 26 August 2022 18:04
To: [REDACTED] Trial Chamber V Communications
Cc: D30 Ngaïssona Defence Team; OTP CAR IIB Case Management; OTP CAR IIB Managers; D29 Yekatom Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; Chamber Decisions Communication; Associate Legal Officer-Court Officer
Subject: Directions in relation to the Ngaïssona Defence's Email regarding Late Disclosure of Material Related to P-1077

Dear Counsel,

The Single Judge notes that the below email does not contain any request. In this regard, he recalls that the Chamber expects to receive submissions with a concrete relief (transcript of hearing, ICC-01/14-01/18-T-012-ENG ET, p. 6, lines 20-22).

Should the Ngaïssona Defence intend to request the Chamber to make a finding of a disclosure violation, it can do so by filing a motion on the record.

Kind regards, TC V

From: [REDACTED]
Sent: 26 August 2022 17:07
To: Trial Chamber V Communications [REDACTED]
Cc: D30 Ngaïssona Defence Team [REDACTED] OTP CAR IIB Case Management [REDACTED]; D29 Yekatom Defence Team [REDACTED] OTP CAR IIB Managers [REDACTED]; V44 LRV Team OPCV [REDACTED] V44 LRV Team [REDACTED]; V45 LRV Team [REDACTED]
Subject: Late Disclosure of Material Related to P-1077

Dear Trial Chamber V,

The Defence for Mr Ngaïssona hereby wishes to inform the Chamber that today at 9:54, the Prosecution disclosed a number of documents relating to witness P-1077, who is scheduled to begin testifying on Monday morning. One of these documents was in the Prosecution's possession since 2016, while others, which are Facebook conversations where P-1077 is an interlocutor, were in the Prosecution's possession since 2019. Given the unfortunate timing of this disclosure, the Defence finds itself with minimal time to evaluate the potential implication of such material, as well as whether the material may be useful in cross-examination. The Defence considers that the Prosecution's course of conduct amounts to a disclosure violation. It further respectfully reserves its right to supplement the List of Materials for P-1077, communicated by way of email at 10:31 this morning.

Kind regards,

[REDACTED]
On behalf of the Ngaïssona Defence

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