

ANNEX 33

Public Redacted

Version

From: Trial Chamber V Communications
Sent: 24 April 2023 09:15
To: [REDACTED]; Trial Chamber V Communications
Cc: OTP CAR IIB; D29 Yekatom Defence Team; V44 LRV Team; V45 LRV Team; Associate Legal Officer-Court Officer; D30 Ngaïssona Defence Team; V44 LRV Team OPCV; Chamber Decisions Communication
Subject: Decision on the Ngaïssona Defence request to proceed in absence of counsel on 24 April 2023

[ICC] RESTRICTED

Dear Counsel,

The Single Judge takes note of the Ngaïssona Defence's email below, in which it requests the Chamber's permission to excuse Counsel from the courtroom and allow the team to be represented by Mr [REDACTED] during the hearing on 24 April 2023 (with the continuation of the testimony of P-2018).

The Single Judge notes the explanations provided with regard to the unforeseen unavailability of Counsel Knoops and Counsel [REDACTED] particularly the late development in the commitments of Counsel Knoops. He also notes, importantly, that Mr Ngaïssona is not charged with the count regarding which the current witness testifies and that, consequently, the Ngaïssona Defence does not intend to pose any questions to this witness.

In light of the above, the Single Judge considers that no prejudice will result to the rights of Mr Ngaïssona. The Single Judge therefore grants the request.

Kind regards,
 TC V

From: [REDACTED]
Sent: 22 April 2023 17:30
To: Trial Chamber V Communications [REDACTED]
Cc: OTP CAR IIB [REDACTED]; D29 Yekatom Defence Team [REDACTED]
 V45 LRV Team [REDACTED]; V45 LRV Team [REDACTED]; Associate Legal Officer-Court Officer [REDACTED] D30 Ngaïssona Defence Team [REDACTED]
 [REDACTED] >
Subject: Absence of counsel on 24 April 2023
Importance: High

[ICC] RESTRICTED

Dear Trial Chamber V,

The Ngaïssona Defence respectfully requests permission of the Chamber to excuse Counsel from the courtroom, and allow the team to be represented by Legal Assistant [REDACTED] on Monday 24 April.

Unfortunately, [REDACTED]
 [REDACTED] Meanwhile, because [REDACTED]
 [REDACTED]'s presence was not required, [REDACTED] made other professional commitments, including [REDACTED]

[REDACTED]

While Counsel are mindful that Court obligations must be prioritised over other activities, given the last-minute developments that could not be foreseen, they respectfully submit that the rights and interests of Mr Ngaïssona will be fully protected by the presence of Legal Assistant [REDACTED]. We further note that Mr Ngaïssona is not charged with the count on which the current witness testifies, and that consequently, our team will not have any questions for this witness. In addition, after liaising with the Yekatom Defence, we have been assured that no remaining line of questioning will affect the position of our client in any way.

Finally, Mr Ngaïssona has been informed of the situation and agrees to be represented in court by Mr [REDACTED] on Monday.

Thank you for your consideration of the present request.

Kind regards,

Ngaïssona Defence team

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