

ANNEX 38
Public Redacted
Version

From: Trial Chamber V Communications
Sent: 26 April 2023 12:13
To: D30 Ngaïssona Defence Team; D29 Yekatom Defence Team; OTP CAR IIB; 'V44 LRV Team'; V44 LRV Team OPCV; V45 LRV Team
Cc: Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber V Communications
Subject: Clarifications concerning the Order to file confidential redacted version of filing ICC-01/14-01/18-1844-Conf-Exp

[ICC] RESTRICTED

Dear Counsel,

The Single Judge takes note of the request for clarification below, as well as the reasons stated to justify the confidentiality level of the cooperation request.

In particular, he is mindful that a confidential redacted version thereof might be heavily redacted, as it refers to defence investigations.

Nevertheless, the Single Judge is of the view that the participants ought at least to have notice of the request, to the extent possible. He therefore considers that a confidential redacted version may be filed, maintaining redactions to information pertaining to defence investigations, as the Ngaïssona Defence considers necessary.

Furthermore, the Single Judge clarifies that his order only covers the request itself, and that the annexes may continue to be classified as confidential *ex parte*, only available to the Registry and the Ngaïssona Defence.

Kind regards,

TC V

From: [REDACTED]
Sent: 25 April 2023 16:49
To: OTP CAR IIB [REDACTED]; D29 Yekatom Defence Team [REDACTED]; V44 LRV Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; V45 LRV Team [REDACTED]; Trial Chamber V Communications [REDACTED]
Cc: Associate Legal Officer-Court Officer [REDACTED] Chamber Decisions Communication [REDACTED]
Subject: RE: Order to share with participants communication concerning order to file confidential redacted version of filing ICC-01/14-01/18-1844-Conf-Exp

[ICC] RESTRICTED

Dear Parties and Participants,

In accordance with the Chamber's instruction, kindly find below the redacted communication between the Ngaïssona Defence and the Chamber. A typo was also corrected in **red**.

Kind regards,

On behalf of the Defence Team for Mr Ngaïssona

From: Trial Chamber V Communications [REDACTED]
Sent: 25 April 2023 12:52
To: D30 Ngaïssona Defence Team <[REDACTED]>
Cc: Associate Legal Officer-Court Officer [REDACTED]; Chamber Decisions Communication [REDACTED] Trial Chamber V Communications [REDACTED]
Subject: Order to share with participants communication concerning order to file confidential redacted version of filing ICC-01/14-01/18-1844-Conf-Exp

[ICC] RESTRICTED

Dear counsel,

Noting that the communication below was sent to the Chamber only, the Single Judge instructs the Ngaïssona Defence to share it with the participants, with the necessary redactions.

Kind regards, TC V

From: [REDACTED]
Sent: 25 April 2023 09:13
To: Trial Chamber V Communications <[REDACTED]>
Cc: D30 Ngaïssona Defence Team [REDACTED]
Subject: RE: Order to file confidential redacted version of filing ICC-01/14-01/18-1844-Conf-Exp

[ICC] RESTRICTED

Dear Trial Chamber V,

The Defence for Mr Ngaïssona ("Defence") takes note of the Chamber's instruction and will file a confidential redacted version ("CRV") of the 'Defence Request pursuant to Article 57(3)(b) of the Statute to Seek Cooperation from [REDACTED], notified on 20 April 2023 (ICC-01/14-01/18-1844-Conf-Exp), accordingly.

Nevertheless, the Defence respectfully inquires whether the Chamber's above-instruction constitutes a ruling over the Defence's request to have the *ex parte* classification "maintained until such time [REDACTED]" (para.3 of the Request).

Additionally, the Defence anticipates that it will heavily redact the Request, such that a potential CRV will not be intelligible and ultimately defeat the purpose of having a CRV on the record. Therefore, in order to accurately comply with the Chamber's instruction, the Defence hereby seeks clarification as to which kind of information should the Defence make available to the parties and participants, given that the Request relates to defence investigations.

Kind regards,

[REDACTED]
On behalf of the Defence Team for Mr Ngaïssona

From: Trial Chamber V Communications [REDACTED]
Sent: 24 April 2023 11:08

To: D30 Ngaïssona Defence Team [REDACTED]
Cc: OTP CAR IIB [REDACTED]; D29 Yekatom Defence Team <[REDACTED]>;
 V44 LRV Team [REDACTED]; V44 LRV Team OPCV [REDACTED]; V45 LRV Team
 [REDACTED]; Associate Legal Officer-Court Officer [REDACTED];
 Chamber Decisions Communication [REDACTED]; Trial Chamber V
 Communications [REDACTED]
Subject: Order to file confidential redacted version of filing ICC-01/14-01/18-1844-Conf-Exp

[ICC] RESTRICTED

Dear counsel,

The Single Judge takes note of the 'Defence Request pursuant to Article 57(3)(b) of the Statute to Seek Cooperation from [REDACTED] by the Ngaïssona Defence, notified on 20 April 2023 (ICC-01/14-01/18-1844-Conf-Exp).

Noting that the filing is confidential *ex parte*, only available to the Ngaïssona Defence and the Registry, the Single Judge instructs the Ngaïssona Defence to file a confidential redacted version within one week.

Kind regards, TC V

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